Platform Labour and Global Logistics

A Research Companion

Edited by Immanuel Ness

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PLATFORM LABOUR AND GLOBAL LOGISTICS

Over the last 50 years the global labour market is transforming from reliable employment to low-wage and unstable informal and precarious jobs. This ineluctable shift is a consequence of the concentrated application of neoliberalism since the 1980s as capitalism has been converting standardized labour markets in the developed Global North into contingent and informal labour.

Platform Labour and Global Logistics: A Research Companion examines the most important developments in and features of global logistics and the emergence of the platform economy through historical comparative chapters and case studies. Part I surveys the logistics revolution and its impact on labour in key sectors of the global economy and probes the viability of the platform as a generator of economic and financial growth and innovation. The chapters of Part I offer a fulsome analysis and critique of the economic and technical reconfiguration brought on by neoliberal capitalism and the diffusion of the platform and logistics as a feasible model into the future. Part II examines labour restructuring from standardized to informal work through the platform and information technology, and the political and environmental challenges to labour. Part III provides global case studies on the informal economy where the platform has become dominant, and Part IV examines how the platform has contributed to geographic mobility and labour migration, as well as the consequences for workers.

Platform Labour and Global Logistics: A Research Companion presents a unique contribution to the political economy literature through highlighting the significance of the impact of the platform and logistics on the working class and potential challenges from labour across the world. This book is intended for academics, researchers and students studying technological innovation, global supply chains, labour restructuring and worker resistance.

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PLATFORM LABOUR AND GLOBAL LOGISTICS

A Research Companion

Edited by Immanuel Ness

Routledge
Taylor & Francis Group
LONDON AND NEW YORK

Designed cover image: elenabs/Getty Images

First published 2023
by Routledge
4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
605 Third Avenue, New York, NY 10158

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing-in-Publication Data
A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data
Names: Ness, Immanuel, editor.
Title: Platform labour and global logistics : a research companion / edited by Immanuel Ness.
Description: Abingdon, Oxon ; New York, NY : Routledge, 2023. | Series: Routledge research companions in business and economics | Includes bibliographical references and index.
Identifiers: LCCN 2022034408 (print) | LCCN 2022034409 (ebook) | ISBN 9781032398709 (hardback) | ISBN 9781032398716 (paperback) | ISBN 9781003351764 (ebook)
Subjects: LCSH: Labor market. | Gig economy. | Temporary employment. | Business logistics.
Classification: LCC HD5706 .P63 2023 (print) | LCC HD5706 (ebook) | DDC 331.12—dc23/eng/20220721
LC record available at https://lccn.loc.gov/2022034408
LC ebook record available at https://lccn.loc.gov/2022034409

ISBN: 978-1-032-39870-9 (hbk)
ISBN: 978-1-032-39871-6 (pbk)
ISBN: 978-1-003-35176-4 (ebk)

DOI: 10.4324/9781003351764

Typeset in Bembo
by Apex CoVantage, LLC

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ACKNOWLEDGEMENTS

I thank the six peer reviewers for their scholarly expertise and detailed and incisive comments on the chapters of this collection. They provided valuable advice and suggestions to each of the contributors and the editor.

I am immensely grateful to the editors at Routledge, especially Kristina Abbotts and Christiana Mandizha, who have been instrumental in the project development and bringing *Platform Labour and Global Logistics: A Research Companion* to fruition. I also thank Honghui Park for her support and advice in developing this project.

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http://taylorandfrancis.com

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AN INTRODUCTION TO PLATFORM LABOUR AND GLOBAL LOGISTICS

Immanuel Ness

From the 1990s to the 2020s, the global economy has transformed through the imposition of neoliberalized capitalism and the withdrawal of the state from regulation and social welfare. This implementation of neoliberalized capitalism has been accompanied by the attendant decline of stable labour market conditions, which primarily prevailed in the Global North but had never been applicable to most of the world's population who live in poor countries of the Global South. Neoliberal capitalism, enforced by the world financial system, has imposed draconian policies in all labour markets: manufacturing, services, agriculture, and the public sector. Thus, with few exceptions, dependable standardized employment in the Fordist industrial economy and public services that dominated Western Europe, North America, Oceania, and other advanced capitalist countries has largely disappeared. For countries in the Global South – Africa, Asia, and most of Latin America – informal work arrangements always had been the norm, except for state-dominated sectors, as social benefits and high wages were typically not obtainable on the job (van der Linden 2021). Whilst established and reliable employment arrangements prevail for a bare minimum of workers, the world economy is dominated by low-wage unstable, precarious jobs in the informal sector of the economy (Ness 2022). For instance, over 90% of Indians do not have formal jobs. Globally, most employment is in the informal sector, intensified by economic liberalization (Patnaik 2016). Yet, whilst work has become ever more unstable, informal labour is essential to the neoliberal capitalist international economy as precarious work grows, more jobs are integrated into global supply chains and production networks. The degradation of labour has also extended into health, education, agriculture, and domestic service industries. This shift is a consequence of the concentrated application of neoliberalism since the 1980s as capitalism has been converting standardized labour markets in the developed Global North into contingent and informal labour. Employment throughout most of the Global South always had been dominated

DOI: 10.4324/9781003351764-1

by informal jobs and precarious labour, with vestiges of stable employment in the state-owned and public sector. But these jobs also have been replaced by informal work arrangements as well as platform labour as global production and supply chains have emerged as the norm (Breman 2012).

In the 2020s, global supply chains are increasingly reliant on the introduction of platform and digital technology, indispensable to the logistics revolution and neoliberal capitalism. Ironically, the introduction of new technology facilitates the restructuring of business enterprises and the deskilling of labour as work is controlled by platform technology, which reduces labour autonomy and exerts boundless control over labour tasks in manufacturing, services, and tertiary occupations as it monetizes jobs that were formerly non-existent forms of work. Concomitantly, once essential occupations in logistics are becoming ever more dominated by platform technology. Taken together, the platform economy is reshaping logistics that supplies global supply, production, and service chains. More than ever, global supply chains appear to reflect the dominance of imperialist financial capital over production and services and the diminution of the contribution of the extraction of surplus labour from workers to profit (Suwandi 2019). Consequently, workers are experiencing lower wages and an unyielding decline of control over their jobs. *Platform Labour and Global Logistics: A Research Companion* brings together leading social scientists and labour scholars to examine the forms and consequences of economic restructuring through the platform and global supply chains.

Platform Labour and Global Logistics: A Research Companion summarizes and encapsulates the critical research and published scholarship on the contemporary neoliberalized capitalist global political economy, dominated by global supply and production and value chains. In the 2010s and 2020s, digitalization and the introduction of the platform economy are dependent on logistics to move goods, deliver services, and supply labour. The reconstitution of labour is occurring on a comparative level within economies and across countries. In this way, supply and production chains require informal and precarious labour to fill indispensable jobs in global and national economies. Platform and information technology is compulsory across sectors of the economy, from warehousing and delivery, manufacturing, education, transportation to domestic services and agriculture. Whilst the platform economy has contributed to vast profits for tech firms, incongruously, the introduction of platform technology has diminished the power of workers, which is even more highly exploited by the platform, which also extracts higher surplus profits from labour as amplified surveillance undermines the autonomy and subjectivity of trade unions and working-class organizations.

Platform Labour and Global Logistics: A Research Companion examines the most important developments in and features of global logistics and the emergence of the platform economy through historical comparative chapters and case studies which survey the logistics revolution and its impact on labour in key sectors of the global economy and probe the viability of the platform as a generator of economic and financial growth and innovation. The chapters of this companion offer a fulsome analysis and critique of the economic and technical reconfiguration brought on

by neoliberal capitalism and the diffusion of the platform and logistics as a feasible model into the future. Furthermore, this companion examines labour restructuring from standardized to informal work through the platform and information technology, as well as the political and environmental challenges to labour. *Platform Labour and Global Logistics* provides crucial global case studies on the informal economy, where the platform has become dominant and examines how the platform has contributed to geographic mobility and labour migration, and the consequences for workers.

Platform Labour and Global Logistics: A Research Companion is divided into four parts, which are essential for understanding the application of new technology to shape global supply chains and to expand capital's profit accumulation through reducing wages and intensifying working conditions for logistics and gig workers (Woodcock & Graham 2019).

Part I, Global Logistics and Platform Labour, examines the link between the application of new destruction structures to expanded profitability at the expense of the working class. Information technology has extended into the distribution of commodities and information; it has discovered a tranche of new profit-generating industries as it undermines existing forms of production. In particular, new technology, digitalization, and automation destabilize the power of workers in the Global South.

The chapters in Part II, Labour Restructuring and Platform Work, examine the extensive transformation of business to generate profit through precarization of work across labour markets. This process, which was initiated in the 1970s, has intensified the significance of informal work and eviscerated standardized employment in the Global North and South. Flexibility has decreased job security through the introduction of platform labour. The contraction of job security occurs across labour markets, from manufacturing, services, education, and public services. From 2000 to the present, a crucial feature of labour restructuring is the introduction of the gig economy, which has substantial implications for low-skilled and high-skilled workers. The platform economy has undermined workers in agriculture, assembly lines, construction, and home care, as well as lawyers, university faculty, and business services. In the absence of strong trade unions in the restructured industries, Part III examines the new forms of agency that workers in the platform and gig economy have available to resist the institutional leverage of capital. We focus on global case studies of platform and informal labour. The case studies range from taxi worker efforts to resist the restructuring in Korea, flexibilization of labour in Cambodia piece wages in US and Canadian agriculture, and the rise of class struggle around platform technology in the Indian food delivery sector digital labour platforms. Part III also examines how the platform economy and gig work are transforming the Indian economy and then turns to the correlation between informality and the platform economy in Brazil.

Platform work and the gig economy have significant implications for the rise of migrant labour in the labour force. Part IV examines the relationship between migration and platform work, especially in newly restructured industries like

food and consumer goods delivery. In Southeast Asia, the platform economy has extended even into the commodification of marriage as it has transformed the nature of work for students in Finland.

Part I, Chapter 2, Jake Alimahomed-Wilson's chapter, 'The E-Logistics Revolution: Amazon, Labor, and the Future of Logistics Work', begins with an overview of the impact the logistics revolution had on the global economy, beginning with the sociological causes and consequences of the first logistics revolution, described as the *offline logistics revolution*, by examining the structural changes in the global production and distribution that led to the rise of Walmart. The chapter then examines the key structural changes in logistics accompanying the rise of Amazon (and e-commerce), which I describe as the *e-logistics revolution*, driven by Amazon's agenda-setting supply chain management practices, which have reshaped the global logistics industry. E-logistics has deepened the expansion of anti-worker surveillance technologies of labour control, algorithmic management, automation, and AI surveillance of workers. However, workers can resist by creating strategic choke points which block logistical operations (Altenried 2022; Alimahomed-Wilson & Ness 2018).

In Chapter 3, 'Lords of the Platform: Rentier Capitalism and the Platform Economy', Jathan Sadowski shows that during the Covid-19 pandemic, whilst both labour and capital, across nearly every sector, experienced massive contraction, the technology sector boomed in 2020. Tech companies like Alphabet and Amazon experienced growth and expansion that surpassed even their financial projections. By taking advantage of waves of job loss and lockdown restrictions on competing businesses, gig economy platforms strengthened their position over workers in an already precarious labour market. The gig economy has emerged from the global crisis stronger than ever before, part of an accelerating resurgence of rentier capitalism driven by digital platforms premised on a business model Sadowski calls 'extraction-as-a-service', showing how platforms have employed both rent-seeking to consolidate their power in the market and rent extraction to claim larger shares of a shrinking economy. Next, in Chapter 4, 'Digitalization, Automation and the Future of Globalization', Samuel T. King explains how standardization of key labour processes has remained a central feature of mass production since before the Industrial Revolution. However, under neoliberal capitalism, advances in digitalization have standardized labour processes over long distances, underpinning a boom in globalized production networks. Automation has facilitated production in high-wage countries to compete with low-wage globalization. The new dynamic appears as competition between two groups of technologies – those associated with automation competing with communications and logistics. The changing dynamics result from the end of expanding labour supply in China and other low-wage countries as well as the increasingly hostile attitude of the United States and its rich country allies towards China.

In the final chapter of Part I, 'Global Supply Chains in the Gig Economy', Dieter Bögenhold and Farah Naz explain how labour has become more complex under the gig economy, which exposes how emerging forms of flexible and precarious

work become significant in the transformation of the whole system. Digitalization of economic activities and the emergence of newly networked enterprises lead to a shortening time per operation and accelerate resource turnover. In the absence of information technology, capitalist restructuring would have been slower and less flexible. The global platform economy has links to the Global South through trade and production. Bögenhold and Naz claim that global supply chains are an integral part of the world economy and highly dependent on the platform economy.

Part II Labour Restructuring and Platform Work

Chapter 6, the first chapter of Part II, 'Thriving Small-Scale Entrepreneurs or Precarious Own-Account Workers? Concepts and Politics of Informal Work Since the 1970s', by Sibylle Marti examines informal work from the 1970s to the present, focusing on the transformation of scientific and political notions, assumptions, and perceptions of informal work. The chapter reviews empirical and theoretical findings about the informal economy that have shaped both academic research and political discussions, beginning at c. 1970, when the designation of 'informal sector' was introduced within development studies. In the last five decades, international organizations have promoted research on informal work and the informal economy, along with advocacy groups and academics. The chapter disputes the positive view of the informal economy by research, specifically as conditions have become more onerous and harsher in the last 50 years with the rise of the informal economy and precarious labour, which are expanding in the current era.

Chapter 7, by Aleksandra Webb, 'A Trade Between Flexibility and Security: Examining the Evolution of Non-standard Work Arrangements and Ways to Rebalance the Position of Platform Workers in the Labour Exchange', focuses on the expansion of the informal economy by demonstrating how flexible and 'on-demand' employment practices are creating harsh conditions within the rapidly growing gig economy. Webb asserts that research must focus on the unstable nature of the gig economy and its effect on workers' job security and wages. The expansive precarious economy is dominated by lead firms which contract platform workers. Drawing attention to the manifold forms of work that are diminished by informalization, Webb asserts that art and entertainment industries are a site of labour contestation, particularly as a consequence of the flexible nature of the work. Webb finds that informal workers face further challenges deriving from performing undeclared work, eroding access to formal employment benefits. Informal workers are specifically under threat during economic and global crises, such as the Covid-19 pandemic, which revealed the fragility of demand–supply for work in traditional employment and within the growing informal sector. Webb suggests that a balanced system is necessary to support informal labour across industries to sustain workers. Drawing on Scotland's 2016 Fair Work Framework, the chapter maps the systemic elements necessary to address the problems of precarious work, including underemployment, in-work poverty, health and safety breaches, poor workers' well-being.

Next, in Chapter 8, Eva-Maria Swidler extends the analysis of the gig economy and informal labour to academia. 'Adjunct and Precarious Teaching Labour in Higher Education' shows how teaching in higher education has transformed into a large gig economy over the last 50 years. Initially, academics were employed informally to teach large introductory level and required classes. Increasingly, gig academics (known by many names, including adjuncts, contingent faculty, and non-tenure-track faculty) perform work formerly done only by tenured professors: they may teach advanced classes, advise students, coordinate degree tracks, run programmes, or even serve as the core faculty of entire graduate departments (Berry & Worthen 2021; Kezar et al. 2019). Currently, at least 75% of faculty at institutions of higher education are non-tenure-track workers, most of them paid on a per-course basis and hired semester to semester. Mirroring the polarization in society at large, masses of contingent university teachers are at the bottom of a faculty pyramid topped by the increasingly small number of academics who have access to tenure. Simultaneous to their increasing importance to the educational economy, contingent faculty have seen their real pay decrease. Recent research shows that over a quarter of adjunct faculty in the United States are the recipients of public assistance of various kinds. Important implications of the replacement of a professional class of faculty with gig workers in a corporatized university include the undermining of academic freedom, the disappearance of tenure at many institutions, and the shattering of meaningful faculty control over college curricula (shared governance). The expansion of the academic precariat accompanies increasing scorn for the liberal arts and the transformation of the university into a credential generator with perceived economic functions. Swidler asserts that the proletarianization, immiseration, and precarity of academic precarious faculty have been vigorously opposed, thus far unsuccessfully, by the American Association of University Professors, as well as many academic disciplinary organizations. Precarious faculty themselves are increasingly leading unionization efforts as part of a pitched battle for the heart of academia.

Chapter 9, 'New Forms of Agency or Atomization? Platform Workers' Power Resources and Fragmentation', by Heiner Heiland, illustrates the unique form of exploitation of platform workers, whose income is low and directly linked to the market; social security and workers' voice options are usually non-existent; and the labour process is characterized by heteronomy due to algorithmic management. Still, many have found the platform economy ripe for labour mobilization. As such, Heiland reveals the uneven power between platforms and workers, who are continuously seeking to improve conditions. Chapter 9 examines the relationship between workers' exploitation and resistance in the platform economy and thus the question of whether and how workers succeed in exerting influence on working conditions. The chapter focuses on the agency of platform workers, who are highly fragmented. Heiland assesses the power resources available to platform workers through analysing four power resources: structural, associational, discursive, and institutional. The chapter provides a unique view of the potential and the actual agency of workers across platform labour and an analytical scheme that can be applied to individual platforms, sectors, or national contexts.

Part III Global Case Studies of Platform and Informal Labour

Chapter 10, 'Transportation Workers' Mobilization Against the Platform Economy: Korea', by Aelim Yun, challenges the mainstream view of the term 'platform work' as part of a putative 'fourth industrial revolution' or 'jobs of the future'. Against this trend, Uber – an icon of platform economy – is being sued for misclassification of employment status of drivers in many countries. Amazon outright borrowed the term 'Mechanical Turk' from an eighteenth-century automation chess player – a human chess master hiding inside the machine. This chapter will present that the 'new' of gig economy is an enhanced mode of the 'old' exploitation of labour, which has persisted outside of the Fordist compromise regime among labour, capital, and state. Specifically, Yun suggests that the externalization of employer responsibility and informalizing of work is two sides of the same coin, with a case of Korean road transport industry which is characterized by a multilayered subcontracting and widespread owner-operators. These informal workers have organized their own union and fought for labour rights, being confronted with increasing power of lead companies over the entire supply chain. Since the mid-2000s, in particular, the union has staged 'Safe Rates' campaign, demanding that all workers should enjoy an adequate minimum remuneration, limits on long working time, safety and health at work, and collective labour rights regardless of their employment status. Such fights have been followed by recent gig workers' organizing, demanding that 'economic employers' such as giant retailers and platform companies be held accountable by the working class for violations of fundamental labour rights.

Next, in Chapter 11, 'Cheap, Fast and Flexible: Processes of Informalization in Asian Garment Manufacturing', Anna Salmivaara examines informal and precarious labour in the Global South, focusing on Cambodia.The chapter shows how employers transfer the risks to workers and prevent labour organizing collectively and the demanding of higher wages. The weak regulation of workers' rights – including trade union rights – was a key aspect that drew garment production to the Global South. Nonetheless, strong consumer pressure has forced global fashion brands to commit to respecting workers' rights. As a result, producers, who engage in a continuous competition for orders that can easily be sent to neighbouring factories or countries, must balance low costs and uninterrupted production with a respect of basic labour rights. Drawing on theoretical discussions and empirical findings from Cambodia, this chapter examines *in-fact informalization* of work as a way through which countries and companies try to manage these contradictory demands. In Cambodia, work in the export factories used to form a formal, protected exception. But it is increasingly *in-fact informalized* through the use of repeated short-term contracts that prevent workers from accessing the protection that they are legally entitled to. In the context of intergenerational poverty, this in-built insecurity of employment effectively hampers workers from participating in organized resistance.

Chapter 12, 'Piece Wages in US and Canadian Agriculture as Political Technologies of Labour Control: Implications for the Wider Platform Economy', by Emily Reid-Musson and Hannah Johnson demonstrates how piece wages, in contrast to time wages, are the paradigmatic form that remuneration takes in the platform economy. Piece-rate wages were historically used across various economic sectors, including home-based textile work and other manufacturing industries. This form of remuneration continues to prevail in US and Canadian primary agriculture and horticultural industries, and particularly in hand-harvested crops, such as berries and mushrooms. For firms, piece wage structures can improve productivity and reduce the need for supervising labour; for workers, they incite competition within the workforce and can aggravate health and safety risks as workers intensify the pace of their work to maximize their earnings. The chapter conceptualizes the piece-rate system as a political technology or mode of labour governmentality which serves to condition labour relations by encouraging workers to engage in self-disciplinary behaviour.

Chapter 13, 'Delivering (In)justice: Contestations Within India's Digital Food Delivery Platforms', by Shyam Krishna, examines food delivery workers and digital and labour practices within the evolving gig economy in India. The research this chapter derives from is set within the south Indian city of Chennai. Using interview data and field observations and specifically the author's own auto-ethnographic research, the chapter details a typical food delivery process and the workers' claims to justice within it. Within this structure the chapter would present the spatiotemporal micro-politics encountered by gig workers and the resulting platform inequities as they navigate algorithmic control and digital surveillance in the process of performing labour. The chapter borrows from social justice conceptualization surrounding the digital and gig economy. The impact on these as governing technological artefacts to workers directly and by extension through restaurants and customers is discussed. A discussion on newer inequity created and extant inequities exacerbated by digital platform and labour practices is laid out. The discussion connects the experiences detailed here to the broader literature on data justice and platform inequities.

Continuing the analysis of India in Chapter 14, Premila D'Cruz and Ernesto Noronha examine the platform economy in 'India's Platform Economy Experience: A Site for the Commodification–Decommodification Dynamic'. The authors assert that the rise of a new form of economic organization, as with the platform economy and its associated gig work, provides scope for the entry of new players into what is a growing field. This chapter deals with the struggle between old global players and new Indian players within the platform economy in India. With the rise of techno-nationalism the Indian state has entered this arena and is formulating rules of operation, such as with the localization of data and the banning of various platforms and applications from China, that will help the rise of Indian-owned platforms and applications. This mirrors the steps taken by China earlier, which supported the rise of national platforms, such as Alibaba, the Baidu search engine, and the WeChat app. With the support of scale from the second-largest

mobile and internet network in the world, India expects to build its own hyper-enterprises, such as the Reliance telecom and retail network. In building hyper-enterprises there is need of not just a large user base, as through the mobile phone and internet ecosystem, but also a large labour force available to carry out gig work in the platform economy. The pandemic-induced lockdowns have increased the scope of the gig economy to encompass the retail and restaurant businesses, now dependent on home delivery systems. Educational services, such as tuition, have also been taken over by platforms. Housewives are being mobilized to work for the gig economy, for instance, in providing home-cooked meals. India's growing population provides a young labour force that will keep down wages or other earnings in this gig economy. In the recently legislated new Labour Codes, gig workers have been recognized as workers in eligibility for social security, but not under the industrial disputes adjudication system. In any case, the central government policies have clearly been one of weakening labour regulation, whilst strengthening monopoly hyper-enterprises. The chapter will deal with three related political economy aspects of the gig economy in India – techno-nationalism to support the rise of Indian hyper-enterprises; the rise of gig work, including its gender aspects; and the weakening of labour regulation in the gig economy.

In Chapter 15, Jacob Carlos Lima focuses on Brazil in 'Entrepreneurship, Informality and the Platform Economy: The Resignification of Precariousness in Brazil'. Historically, only 50% of Brazil's workforce was employed in Fordist wage labour jobs with stable contracts and social benefits. Formal sector jobs in Brazil have been linked to state occupations such as civil servants and positions in large industrial and service companies. The perspective of formalization, associated with the idea of industrial development, composed an ideology of work as a possibility for social mobility and welfare. Informality represented the 'setback' of a developing economy that would be overcome by modernization. With the introduction of neoliberal policies in the 1990s, the economic reorganization, technological and organizational changes, and rising unemployment, informality began to be reinterpreted. It has become a synonymous of flexible labour. As it reduces business costs, it transfers to the worker the responsibility of his employability and access to social rights. The situation has partially changed with the rise of popular governments since 2003 and the growth of formal work which lasted until 2014, when the economic and political crisis began. In 2016, after the impeachment of the president, neoliberal policies returned. A new labour reform that generalized outsourcing processes and severely deregulated labour relations took place. With the rise of the extreme right in 2018, the presidential motto became 'jobs or rights', with the economy minister being sympathetic to economic reforms from the Pinochet period in Chile. In Brazil, the gig economy has always existed. Known as *viração* in Portuguese, it marks our wide informality. The pandemic has accelerated this process.

The increase in these service platforms, associated with the increase in the number of workers registered in them, culminated in 'the more they work, the less they earn'. During quarantine, thousands of application workers organized themselves

in protests against companies and, in some cases, won some claims. However, some of these workers say they do not want regular contracts, or even unions, as they consider themselves to be self-employed or entrepreneurs and not precarious. Overall, this raises questions about the incorporation of the neoliberal entrepreneurial ideology by a significant part of workers who claim to prefer the 'freedom' they supposedly have on the platforms. Moreover, this group does not always identify itself as working class, posing new challenges for the union movement. The chapter intends to present this question, with data about virtual platform workers and their movement in Brazil.

Part IV Migration and Platform Work

Chapter 16, 'Contactless Delivery: Migrant Experiences in the Platform Economy', by Tyler Riordan, Richard Robinson, Gerhard Hoffstaedter, examines the emergence and growth of new platforms and their impact on labour and work. The introduction of digital platforms such as Grubhub, DoorDash, and Uber Eats has fundamentally transformed the ways in which food is purchased, delivered, and consumed around the world. When the gig economy began, platforms were celebrated for their promise to provide economic, social, and environmental benefits. However, scholars have demonstrated that these disruptors have negatively impacted businesses and workers alike. This is the case in the food delivery sector where flexible work arrangements are associated with precariousness and financial insecurity for workers. This applies to the migrant workers who have been typically marginalized in hospitality work. Even though migrant workers conduct the majority of food delivery work around the world, few academic studies focus on their involvement in the platform economy. This chapter will explore the experiences of migrant food delivery workers in the platform economy. Following the introduction, the chapter will provide an overview of the recent history of food delivery work. This will be followed by a brief literature review of current research on food delivery workers in the gig economy. The chapter will be brought to life through the inclusion of case studies representing various stakeholder perspectives in food delivery. These case studies are based on ethnographic fieldwork with migrant food delivery workers in Brisbane, Australia. The case studies will present daily experiences of food delivery workers as they traverse the city by bicycle. Perspectives of other stakeholders will be included based on their interactions with delivery workers. These case studies will then be connected to contemporary literature to explore challenges that food delivery workers face in the gig economy and how they navigate them. This chapter will finish by exploring the potential implications that the 'gigification' of work can have on other areas of the hospitality industry. This research is valuable as it goes beyond the hype of the gig economy to uncover what life is really like for the essential workers who keep us fed.

In Chapter 17, 'With This Ring, With This Striving: Love, Marriage, and Labor in the Platform Economy in Southeast Asia', Teresita Cruz del Rosario and Linda A. Lumayag examine migrant labour in Asia as a lens through which to view the

growth and expansion of precarious jobs. This phenomenon has been in existence for several decades, especially with the opening of global and regional labour markets in which undesirable jobs have been outsourced, rather conveniently, to low-skilled migrant labour. Precarity, therefore, it could be argued, has been around in much of Southeast Asia long before the term was made fashionable. A complicating factor however is the migration strategy coupled with interregional/interracial marriages, providing the basis to investigated liberalized labour markets to attract predominantly low-skilled workers, with restrictive migration regimes which prohibit the 'coupling' of migrant work with marriage. As a result, the vulnerable and marginalized position of migrants stems from a situation where migration regimes impose different kinds of processes and solutions to address labour and marriage issues involving citizens of two countries that practice different religions and situated in indigenous communities whilst still providing badly needed employment in the gig economy. Drawn from a sample of labour/marriage migrants, predominantly from Indonesia, Malaysia, and the Philippines, this chapter argues that the situation of labour migrants and their subsequent marriages to citizens of host countries determine their abilities with which to navigate two situations of precarity: the temporary labour market and the longer-term marital union that is sanctioned by the host country. In the latter situation, marriage can be viewed as a migration strategy to manage and reduce precarity but not without its attendant difficulties through a combination of legal and social discriminatory practices.

Chapter 18, 'Fragmented Labour, Punctuated Temporalities: Spatiotemporal Precarisation Among Student Migrant Workers', by Olivia Maury, explores the subjective experiences of precarious and fragmented work from the perspective of holders of student visas in Finland. Rather than focusing on only one modality of organizing work (such as platforms) or one type of work (such as cleaning or data management), this chapter aims to grasp the lived experiences of fragmented forms of labour. The data consist of in-depth interviews with 40 non- European Union (EU)/European Economic Area (EEA) migrants in Finland who hold a visa for studies. This visa is temporary and issued for one year at a time. Moreover, the issuing and the renewal of the student visa are dependent on the ability to demonstrate sufficient economic funds (6720 €/year). Many student-migrants undertake work alongside studies to be able to renew the permit and continue residing in Finland and the EU. Thus, the student-migrant-workers' quotidian lives are shaped by 'institutionalized uncertainty' through which immigration control regulates and shapes the possible forms of labour and its relation to employers and labour markets. The chapter asks what forms of work arise in the intersection between the constraining border regime that shapes migrants as dependent on insecure forms of work and the student-migrants' subjective desires to grasp opportunities to further one's subjective goals. The chapter approaches precarization through a temporal lens with the aim of grasping how workers become legally and socially deprived of control over their time. Losing the grip over one's time is spurred not only by the student's temporary legal status but also by work performed in various locations, for various employers, and under different contractual forms. This work typically

includes food delivery mediated through digital platforms and performed as independent contractors, cleaning and news delivery on zero-hour contracts, and (nearly) unpaid work in tech or business start-ups. Moreover, the student-migrant-workers' lives are interspersed with studies and work in various locations purporting ongoing movement as a condition of precarity. I argue that the heterogeneous spatiotemporal experiences among the student-migrant-workers unfold with the discontinuous functioning of capitalism based on flexible and fractal accumulation. It contributes to the research on precarious labour and gig work by examining how a constrained legal status, in combination with socially produced differences based on race, gender, and nationality, spurs the undertaking of such work. Moreover, the analysis exceeds a strict separation between so-called high-skilled and low-skilled work by demonstrating how these intermingle, bringing forth fragmented patterns of gigs and tasks performed in a spatially and temporally scattered manner.

Taken together, *Platform Labour and Global Logistics: A Research Companion* presents a unique contribution to the political economy literature through centring on the significance of the platform and logistics and the consequences and potential challenges from the working class against unfair wages, poor working conditions, and informal and precarious work arrangements that are commandeered by capital to extract surplus labour from workers. This collection also demonstrates the significance of the international reserve army of labour which buttresses the global capitalist system through supplying low-wage labour to strategic locations.

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PART I

Global Logistics and Platform Labour

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2

THE E-LOGISTICS REVOLUTION

Amazon, Labor, and the Future of Logistics Work

Jake Alimahomed-Wilson

2.1 Introduction

The dominant reign of Walmart represents the first iteration of the logistics revolution leading to the rise of retail power and big-box retailers.[1] However, in recent years, Amazon has emerged as the world's fastest-growing and most powerful corporation.[2] The Covid-19 pandemic produced the latest iteration of capitalist crisis that propelled the reshuffling of corporate retail power, which has created an enormous impact on global logistics and the working conditions and labor process for millions of logistics workers. By 2023, Amazon is projected to overtake Walmart as the world's biggest corporation and employer (Shendruk 2020). By mid-2020, at the height of the pandemic, Amazon's market cap increased to $1.58 trillion (surpassing Microsoft) as demand for its services surged during the pandemic (Savitz 2020). As the global Covid-19 death toll neared one million deaths globally, Jeff Bezos, Amazon's CEO, became the first person in world history to amass a personal net worth of over $200 billion (Kiersz and Rogers 2020). Unlike most small businesses, Amazon emerged from the global pandemic far stronger than before. In fact, the corporation doubled its net profit year over year to $5.2 billion (Faulkner 2020). While millions of workers were laid off during the pandemic, Amazon in turn hired hundreds of thousands of workers since 2019, increasing Amazon's (directly employed) workforce to 1.3 million workers (Sumagaysay 2020). If you count the nearly half-million misclassified Amazon delivery drivers – workers who wear Amazon uniforms and deliver the majority of Amazon Prime packages who Amazon does not count as employees – Amazon's global workforce is far bigger. For Amazon's blue-collar workers in warehousing and delivery, the pandemic exacerbated Amazon's "extreme high churn model" – described as the continual replacement of workers in order to sustain the corporation's dangerous and grueling work-pace demands (Tung and Berkowitz 2020). Amazon's meteoric rise in

DOI: 10.4324/9781003351764-3

the global economy was made possible by the logistics revolution, or the transformation in the way goods are produced and transported around the world, which has increased the power of retailers in today's neoliberal just-in-time (JIT) economy (Alimahomed-Wilson and Reese 2000; Bonacich and Wilson 2008). While most of the general public tend to only view Amazon as the leading online retailer, Amazon is actually one of the world's largest logistics companies managing a vast physical logistics infrastructure of warehouses and delivery centers around the world (Moody 2020). Therefore, due to Amazon's massive scale and market dominance, the corporation's agenda-setting logistics and supply chain management practices have transformed global commerce, including the ways consumer goods are transported and consumed around the world (Alimahomed-Wilson and Ness 2018).

Drawing on insights from my previous book *Getting the Goods: Ports, Labor and the Logistics Revolution* (2008) – co-authored with Edna Bonacich – this chapter begins with an overview of the impact the logistics revolution had on the global economy. I begin with an overview of the general sociological causes and consequences of the first logistics revolution, which I describe as the *offline logistics revolution*, by examining the structural changes in the global production and distribution that led to Walmart's (i.e. giant brick-and-mortar "big-box" retailers) current position as the world's largest corporation (Bonacich and Wilson 2008). Following this, I examine the key structural changes in logistics accompanying the rise of Amazon (and e-commerce), which I describe as the *e-logistics revolution*. The e-logistics revolution, driven by Amazon's agenda-setting supply chain management practices, has reshaped the global logistics industry, further amplifying exploitive labor conditions for logistics workers in warehousing, short-haul trucking, and home package (i.e. last-mile) delivery. E-logistics has deepened the expansion of anti-worker surveillance technologies of labor control, algorithmic management, automation, and AI surveillance of workers, which has disproportionately impacted Black, Latinx, and immigrant workers in these sectors (Alimahomed-Wilson and Reese 2021).

2.2 Walmart and the Offline Logistics Revolution

In 2020, Walmart retained its title as the top-ranked corporation in terms of revenue on the *Forbes Fortune 500* list, with annual sales of over half a trillion dollars (Fortune Magazine 2020). Today, Walmart is the largest retailer in the world, followed by Amazon, the world's largest e-retailer and world's fastest-growing large company. Together, these massive retail corporations – representing the world's largest shippers in global logistics – are driving a deterioration of labor standards for thousands of workers throughout the global supply chain. Walmart became the world's largest corporation by adapting its business practices to this system by developing a sophisticated logistics management program, which reduced inefficiencies in the movement of consumer goods across thousands of miles (Alimahomed-Wilson and Ness 2018). The offline logistics revolution contributed to a shift in power in the global economy, from the traditional mass production model to the

current neoliberal flexible specialization production system, leading to a rise in retail power in the global economy (Bonacich and Wilson 2006). A key innovation behind the logistics revolution was the development of containerization, which allowed for the intermodal transportation of goods – that is, the movement of goods between ship, rail, and truck without ever having to unload or reload the cargo (Alimahomed-Wilson and Potiker 2018). However, as we will see, the supply chain management approach that Walmart perfected during the peak of the big-box retail era (Lichtenstein 2005) did not necessarily adapt well to the rapid changes in logistics led by Amazon. Since the global supply chain infrastructure was primarily built to accommodate long-distance shipping, big-box retailers like Walmart struggled to adapt and compete during the e-commerce surge.

The first iteration of the logistics revolution arose in response to a chronic problem of capitalism, namely, the disjuncture between production and distribution, or supply and demand (Harvey 1990). Capital investment in production is followed by distribution or sales. Part of the proceeds of sales can then be reinvested, igniting another round of production. The continual reproduction of this cycle leads to capital accumulation. The ideal of the system is to have capital in constant motion so that it circulates at maximum speed. This is to say that capital that is not in motion ceases to be capital (Alimahomed-Wilson and Ness 2018). This also means that each circuit needs to be completed as quickly as possible. If a circuit is not completed, capital loses its value, and profit is ultimately lost. Investment in production does not pay off unless the goods are sold. The Fordist capitalist system was traditionally challenged by overproduction (Bonacich and Wilson 2008) – that is, producing goods that consumers do not want and will not buy unless they are severely discounted. Producers devised various methods to cope with this problem, including advertising, market research, product proliferation, branding, and consumer credit. These efforts were all aimed at selling (distributing) products more effectively, by grabbing a bigger share of the market (at the firm level) and by expanding the market by the creation of new demand (at the system level). There is both a competitive element to these efforts and a joint interest in penetrating the market more thoroughly. The logistics revolution, driven by the corporate paradigm of supply chain management, represents a strategy to bridge the gap between supply and demand more effectively (Bonacich and Wilson 2005). The purpose of logistics is to link supply to demand, representing a new approach to the handling of inventory. Instead of having inventory pile up, sometimes unsold, the goal is to only have the precise amount of inventory a retailer needs. That way a retailer can avoid the twin dangers of overstocks (goods that are not moving and must be sold below cost or disposed of entirely) and understocks (not having enough of the products that consumers wish to purchase) (Bonacich and Wilson 2008).

The logistics revolution took shape in the global economy in the 1970s (although the origins began much earlier, especially related to militarism) and has grown enormously since (Cowen 2014). Within the industry, the logistics revolution is described as a paradigm shift in the movement of goods, described as a transition from "push" to "pull" production (Bonacich and Wilson 2008). The push system

describes the way that goods used to be produced prior to the logistics revolution. In the past, production was dominated by large manufacturers. Manufacturers would have long production runs in order to gain efficiencies of scale and minimize unit costs. This system leads to the production of surpluses of inventory, which are pushed out to retailers. However, under the pull system, comprehensive consumer behavior is tracked by the retailers, who then transmit these preferences up the supply chain to the producers. Under this system, manufacturers are required to meet shorter lead times, making it difficult for them to engage in mass production of identical items. They must produce smaller lots of specialized items in direct response to what is selling. The pull system also led to efforts to integrate processes across the entire supply chain, rather than within organizations. The goal is to make the whole economic system more efficient and minimize total cost by relying on JIT technology. The size and scale of the giant retailers only added to their power, and the bigger they were, the more they were able to control over suppliers and workers (Ibid.).

Accompanying the logistics revolution marked a shift away from Fordism, or mass production, toward the flexible specialization model. Flexible production increases the ability to respond to shifting demand, enabling the production and delivery of a greater variety of goods that was possible under the old system of Fordist mass production system, which was defined by long runs of the same products. One impact on labor resulting from flexible production schedules was an increase in contingency, precarious workforces, along with the rise in outsourcing and labor subcontracting. This way goods are produced only on an as-needed basis. The typical relationship is arm's length, allowing the parent company increased flexibility of terminating the relationship at any time, with minimal cost. This capital strategy also undermines unionization efforts.

The offline logistics revolution also drastically changed production networks. Goods need to be moved quickly and accurately, at low cost, over great distances. Not only did containerization transform ports, but it also helped transform warehousing with the advent of crossdocking. Crossdocking became a key innovation behind the rise of brick-and-mortar retail power that Walmart perfected. It is the practice of unloading goods directly from an inbound truck directly into outbound trucks. This practice drastically reduced storage time in warehouses (Ibid.).

Prior to e-commerce, the offline logistics revolution produced four major outcomes for logistics workers: increased contingency, weakened unions, the racialization of labor, leading to lowered labor standards (Bonacich and Hardie 2006). These deleterious outcomes for labor were initially associated with the rise of large brick-and-mortar big-box retail power in the global economy. Black, Latinx, and immigrant workers are overrepresented in the lowest paying, non-union, precarious, contingent sectors of the logistics industry and continue to struggle for fair wages, dignity, and safe working conditions (Alimahomed-Wilson 2019). That is, the shift toward contingent relations has been accompanied by the employment of workers with fewer rights and less power in society, leading to an overrepresentation of workers of color and immigrants in the most exploitive, precarious jobs in

the global supply chain. However, these deleterious consequences for labor driven initially by the offline logistics revolution have become further intensified by the second iteration of the logistics revolution: the *e-logistics revolution* – the structural changes in global logistics associated with the rise of e-commerce in the global economy, led by large online e-commerce corporations such as Amazon.

2.3 Amazon and the E-Logistics Revolution

A key outcome of the offline logistics revolution described earlier was the shift from production/manufacturer power to retail power. This shift propelled the rise of large "big-box" brick-and-mortar (offline) US retailers such as Walmart, along with Target, Sears, Home Depot, and Kohls. However, in just a handful of years, the growth rate of e-commerce has been unparalleled, leaving no segment of the global logistics chain unaffected (Tirschwell 2018). From ocean and air freight, to trucking and warehousing, e-commerce has created a seemingly tidal wave of change in global shipping. Driven by Amazon, e-commerce has emerged as the fastest-growing segment of the US retail industry, creating a shift in retailing and logistics. E-logistics revolution has amplified the preexisting conditions for logistics workers along with introducing new challenges for workers and unions in warehousing, short-haul trucking, and home parcel delivery sectors.

In 2020, Amazon captured over 51% of all online sales in the United States, up nearly 30% from the previous year, with net sales amounting to a staggering US$386.2 billion (Kohan 2021). By 2020, Amazon Logistics had shipped over 4 billion packages representing a 127% growth from the previous year (Statista 2021). In Southern California alone, Amazon tripled the number of delivery hubs in order to meet the daily average of 3.1 million packages delivered daily in 2020, creating congestion and environmental pollution (Collins 2021). Without a doubt, Amazon's global power and influence have single-handedly impacted the economics of the world's freight market. The power of brick-and-mortar retailers, such as Walmart, is also on the decline, forcing big-box retailers to scramble to keep pace with the changes ushered in relating to e-commerce, leading to the emergence of "store pickup" consumer options. These firms must either adapt to e-commerce or expect to close their doors.

With the simple click of a button, products can now be ordered, processed, and shipped to a consumer's front doorstep, even on the same day an item is purchased. By 2020, e-commerce shattered every single online retail sales record previously set, which further solidified the growing prominence of e-retailing in the US economy. As e-commerce grew, consumers increasingly demanded faster delivery of goods to their homes, resulting in an increase in the labor process for workers. The e-commerce revolution, driven by Amazon's logistics practices, has therefore created a global speed up for workers across the global supply chain, impacting port labor, seafarers, and especially workers in warehousing, short-haul trucking, and in the last-mile delivery sector. Connected to the global speed up of capital has been a more thorough integration of technologies of worker surveillance, automation,

algorithms, and AI cameras that control and digitally track the movements (efficiency) of workers in real time. Key to e-logistics has been the algorithmic monitoring of workers' labor, and Amazon has emerged as the industry leader in the increasing use of digital worker surveillance-driven management. E-commerce has also led to the further intensification of work and increasing time demands creating pressure for last-mile delivery drivers to work faster in order to meet their delivery routes.

The e-logistics revolution has made next or same-day product-to-doorstep consumerism possible, which has led to a retransformation of existing logistics supply chains by pulling the end point of the supply chain closer to consumers (away from brick-and-mortar stores and toward a consumer's home) while simultaneously accelerating the overall speed of the movement of goods. This process has led to the increasing expansion of last-mile logistics. In contrast to the big-box retail era, goods are no longer simply moved in large volume from one point (i.e. a Walmart distribution center) to a second end point (i.e. a brick-and-mortar store) (Bonacich and Hardie 2006). Instead, e-commerce logistics relies on the movement of smaller volumes of goods moving across multiple locations, typically to consumers' home. In other words, the last-mile sector has become the new final link in the consumer supply chain. Moreover, the e-logistics revolution represents a paradigm shift in regard to supply chain management impacting the nature of drayage and port trucking, warehousing, and parcel delivery services, but even upstream into ocean shipments and the less-than-container load market. In each of these sectors, workers face increasing pressure to work faster along with increasing challenges of automation and surveillance.

The e-logistics revolution has led to an increase in smaller shipments. According to Peter Tirschwell (2018) of the *Journal of Commerce*, e-commerce has led to a significant decrease in the percent of Los Angeles–Long Beach imported TEU moving inland within the marine container versus being transloaded; it declined from 44% in 2006 to 33% in 2016. One reason for this is that less than a container shipping, which currently represents a small segment of ocean shipments accounting for about 20% of total volumes, has become more common due to e-commerce. Departing from the brick-and-mortar logistics era, e-commerce has made it cheaper to ship smaller volumes of goods in 40-foot containers within a consolidated container including multiple shipments from several shippers, even if most of the container remains empty (Ibid.). Simultaneously, e-commerce has also upended the traditional air freight market. Traditional users of air cargo for emergency, referred to as "ocean gone bad" shipments, now have to compete with e-commerce shippers for limited capacity (Ibid.). In 2017, air cargo outpaced supply by more than 6 percentage points each of the four quarters (Ibid.). Finally, the increase in smaller shipments driven by e-commerce has generated an increase in freight in the less-than-truckload trucking sector (LTL). This shift has resulted in new challenges for short-haul port truckers and is likely to drive down wages in the sector. LTL trucking has gained increased importance in last-mile logistics, as e-commerce requires smaller, palletized shipments. This represents a shift in the

trucking from the past, in which larger truckloads of goods were delivered to warehouses, then crossdocked, onward to brick-and-mortar stores. Thus, the e-logistics revolution, driven by Amazon, has further entrenched the power of capital over labor across the global supply chain, from the point of production to ocean and air shipping, ports, warehousing, trucking, and last-mile home delivery services.

Sheheryar Kaoosji is the executive director of the Warehouse Worker Resource Center located in Inland Southern California's logistics sector, one of the largest warehousing nodes in the world. Kaoosji discusses the shifts in warehousing brought on by Amazon compared to the Walmart logistics era and the impact on the labor process for warehouse workers.

> What we're seeing on the ground is that the Walmart era, which is really the crossdocking era, where you try to move as quickly as possible with a very finite set of product lines that are moving on a consistent basis. More or less this era had the same programs, patterns, and more or less the same routes, from the port, to the inland warehouse to the regional distribution center to the store.
>
> Whereas the Amazon model, they just dump everything everywhere. If you go to an Amazon warehouse, the bins are just full of stuff. There is no rationality to it other than everything is tagged so they know where everything is and know where to go get it. What that leads to is that it is a lot more labor intensive. It means a lot more people going and picking one thing. Under the Walmart model, where you had one warehouse worker in a Walmart crossdock loading dozens of boxes per minute sometimes, hundreds of items per hour, and moving the stuff so fast that one worker could fill up two or three trailers per day.
>
> With Amazon, you are picking that many pieces, but it is a range of different items, it might be bracelets, books . . . so you end up with these facilities with 3,000 workers and they are all assembling these pallets and boxes and then it goes to a sortation center where there are people on conveyor belts sorting them again in order to go into the different markets. And finally, they are going into delivery centers where they are getting delivered where a worker drives the product to your house. So, in the short term, this means there are a lot more workers to get products from China to a consumer, than it was for Walmart . . . the idea here is that Amazon is building its market capacity, and while it is not currently profitable, the idea is that it will work out once the robots come and then they will make all the money in the world. The goal is to automate the warehouse side and as much as the delivery side as possible.
>
> *(Kaoosji 2019)*

As Kaoosji points out, e-logistics revolution represents a shift in logistics and supply chain management and is associated with several key changes in the global movement of goods. As noted earlier, e-commerce is pulling supply chains closer

to consumers, which has in turn led to the emergence of last-mile logistics and the explosion of the contingent (outsourced) non-union parcel delivery sector, of which Amazon is the largest. The global speed up of capital is creating new pressures for workers across the supply chain. Altenreid (2019) notes that despite increasing automation, the last mile is one of the most labor-intensive sectors of logistics.

2.3.1 E-Logistics and the Retransformation of Southern California's Supply Chain

As consumer demand increases for next-day, or same-day shipping, there has been a rapid growth of last-mile warehouses in order to bring consumer products closer to Southern California's massive consumer base – the largest concentration of Amazon Prime membership in the world. Prior to e-commerce, warehousing was on the decline throughout Los Angeles due to high real-estate costs and a lack of space. Therefore, in order to accommodate the increase in cargo volume entering the ports of Los Angeles and Long Beach, warehouses moved out of urban areas toward the inland areas of Riverside and San Bernardino counties, where both land and labor were significantly cheaper. The Inland Empire was therefore transformed into the largest warehousing hub in the world. However, e-commerce's last-mile warehousing and logistics operations have brought warehouses back to the greater urban Los Angeles region. E-logistics relies on shorter delivery times, so this means delivery centers be as close to consumers as possible. This has created a massive demand for last-mile real estate near dense urban consumer markets. Since 2016, last-mile logistics and warehousing have experienced double-digit growth across urban Los Angeles, even outpacing the Inland Empire region's warehouse growth. Last-mile warehousing has also created a massive impact on the LTL trucking sector, which will have a significant impact on the Los Angeles harbor's 18,000 drayage drivers.

E-commerce is driving demand for new types of warehouses, with different dimensions, capabilities, specifications, technologies, and locations (Brohan 2018). Across the United States, the average age of a typical warehouse is 34 years. The Inland Empire is one of the youngest warehouse markets in the United States, with an average age of about 20 years. Older warehouses typically lack the technological capabilities necessary to efficiently fulfill orders in the e-commerce industry. Older warehouses not only have smaller footprints but generally lack features such as high ceilings, larger floor spaces to accommodate automation, and lack a sufficient number of loading bays required for e-commerce logistics (Ibid.). This has, in turn, contributed to the growth of new warehouse construction across the country, and Inland Southern California has experienced the fastest growth in new warehouse construction of any region in the United States. E-commerce has even redefined the way industrial warehouse space, or warehouse footprints, is measured. That is, newer e-commerce capable warehouses are no longer simply measured in terms of square feet. Instead, the footprints of e-commerce warehouses are now measured in cubic feet, which means warehouses will increasingly become multistory facilities.

Ultimately, the move to build new e-commerce warehouses upward instead of outward is part of an overall change in e-logistics. These warehouses lend themselves to the increasing presence of automation, roboticization, and deeper technologies of worker control and surveillance. Finally, e-commerce has changed the approach in both delivery and the transportation of goods to consumers, creating a new emphasis on expedited product-to-doorstep delivery.

2.4 Precarious Labor and the Rise of Last-Mile Logistics

In contrast to the big-box retailers that built their warehousing operations using contingent, temporary agency warehouse workers (Allison et al. 2018), Amazon has taken a different approach by directly employing thousands of warehouse workers around the world. Instead of hiring thousands of retail workers like Walmart did, Amazon instead invested heavily in building its logistics network, including a vast supply of misclassified, contingent delivery drivers. Despite these drivers wearing Amazon uniforms and driving Amazon-branded vans, they are not legally employed by Amazon.

> A key point is that Amazon is not hiring drivers, it's hiring companies that will employ drivers. That's an important distinction, and one that FedEx Ground already has learned at some cost. FedEx Ground originally contracted with independent drivers, but switched to a model in which independent service providers – companies with driver employees – contract to deliver goods.
>
> *(Cassidy 2018)*

In order to minimize its dependence on UPS, Fed Ex, and USPS, Amazon has invested in growing its market share in the parcel delivery market.

Today, over 50% of Amazon's Prime deliveries are delivered by two main contingent groups of Amazon workers: Amazon Flex drivers and delivery drivers employed via Amazon delivery service partners (DSPs). Amazon Flex drivers are gig workers who are legally classified as independent contractors (similar to Uber drivers) and are paid per completion of a delivery route (not by the hour). They must provide their own vehicles (or rented delivery van) and absorb the cost of fuel and other expenses and lack the rights that legal employees hold. DSPs are small subcontracted "independent" parcel delivery firms with approximately 20–40 delivery vans that exclusively deliver packages for Amazon. In 2018, Amazon's Delivery Service Partner program was rolled out and has since become a fixture in the industry. DSP fleets are limited to 40 vans to avoid unionization efforts and to increase Amazon's flexibility and power over the price paid per delivery. Unlike its competitors, DSP drivers deliver Amazon Prime packages 7 days a week, 365 days a year (Bishop 2018). These workers are highly surveilled via Amazon's "Rabbit" delivery app along with Amazon's AI-powered cameras in Amazon's delivery vans. A Rabbit is Amazon's device (i.e. an Android smart phone) that tracks a driver's

movements and dictates each step of a driver's route. It maps a driver's delivery route in real time and provides information for each package delivery, such as access codes to enter apartment complexes. The Rabbit also provides information on the size of the Prime package. Once a package is delivered, the driver must take a picture of the delivered package. During peak holiday periods, the number of daily deliveries can reach as high as 400 deliveries per shift (Peterson 2018). These drivers continually complain of overtime violations and unrealistic expectations and pressures set by Amazon. Peterson (2018) found that drivers regularly complained of a variety of workplace abuses, including wage theft, intimidation, and favoritism (Ibid.). Drivers also described a physically demanding work environment in which, under strict time constraints, they felt pressured to drive at dangerously high speeds, blow stop signs, and even skip bathroom breaks and meals in order to meet the tight delivery deadlines set by Amazon – the parent company (Ibid.). Overall, DSPs and Amazon Flex give Amazon increased leverage over its shipping and delivery network by more thoroughly squeezing workers in the last mile.

2.4.1 The Racialization of E-logistics Labor

The changes ushered in by the e-logistics revolution have disproportionately impacted workers (and communities) of color. While the racialization of labor was a general outcome of the first logistics revolution, this process has become increasingly magnified. Cedric Robinson's work on racial capitalism (Robinson 2000) is particularly useful here as the e-logistics revolution has been made possible by the large-scale exploitation of a vast racialized blue-collar labor force primarily comprising "cheap", disposable Black, Latinx, and migrant/immigrant workers across Amazon's warehousing and last-mile logistics delivery operations.[3] The devaluation of racialized labor and subsequent extraction of differential value is the foundation of Amazon's logistics infrastructure (Alimahomed-Wilson and Reese 2021). In this system, workers of color remain concentrated in the most labor-intensive, precarious, dangerous, low-wage, and surveillance-driven jobs in Amazon's supply chain.

2.5 Conclusion

The first iteration of the logistics revolution led to an increase in retail power for giant big-box retailers such as Walmart. However, the rapid growth of e-logistics, driven largely by the e-retail giant Amazon, has changed the nature of logistics and supply chain management. As e-commerce sales continue to increase, existing supply chains have become extended, creating new challenges for organized labor in warehousing, trucking, and last-mile logistics. The erosion of labor standards and increased surveillance across these sectors has disproportionately impacted the working conditions and labor process of blue-collar workers of color. As demand for faster delivery times of consumer goods increased, this in turn has led to increased competition by retailers and third-party logistics providers to reexamine existing supply chain management operations, prompting the growth of last-mile

logistics and urban and suburban delivery centers. Last-mile logistics has not only altered the physical location of warehouses across supply chains but also helped propel novel technologies of worker surveillance. Moreover, e-commerce presents new challenges for workers and unions in the parcel delivery sector (i.e. USPS and UPS) and an overall deterioration of labor standards due to the growth of subcontracted, low-paid, racialized delivery drivers across the sector who face onerous working conditions and pressures by the parent company (i.e. Amazon).

As capital continues to gain power over workers in the e-commerce logistics sector, strategies for workers' resistance must also continue to adapt such changes. A major potential weakness – or choke points – in the e-logistics sector is the vulnerability of time, particularly in the last-mile sector in dense urban areas with high Amazon Prime membership rates (2018). Last-mile warehouses could become strategic sites for continued worker organizing along the global e-commerce supply chain.

Notes

1 This chapter is dedicated to Edna Bonacich.

2 This chapter features excerpts, extensions, and quotes from the following previously published works: Jake Alimahomed-Wilson and Ellen Reese. 2020. "Amazon Capitalism: How Covid-19 and Racism Made the World' Most Powerful Corporation." *Pluto Press Blog*, www.plutobooks.com/blog/amazon-capitalism/; Jake Alimahomed-Wilson and Ellen Reese. 2020. *The Cost of Free Shipping: Amazon in the Global Economy*, London: Pluto Press; Jake Alimahomed-Wilson. 2020. "The Amazonification of Logistics: E-Commerce, Labor, and Exploitation in the Last Mile," in *The Cost of Free Shipping: Amazon in the Global Economy*, edited by Jake Alimahomed-Wilson and Ellen Reese, London: Pluto Press; Jake Alimahomed-Wilson. 2021. "La Révolution de la E-logistique: E-commerce, Travail et Retransformation de la Chaîne D'approvisionnement de la Californie du Sud," *Travail Et Emploi*; Jake Alimahomed-Wilson, Forthcoming. "The World is a Warehouse: Racialised Labour Regimes and the Rise of Amazon's Global Logistics Empire," in *Labour Regimes and Global Production*, edited by Neil Martin Coe, Elena Baglioni, Liam Campling, and Adrian Smith, London: Agenda Publishing; Edna Bonacich and Jake B. Wilson. 2008. *Getting the Goods: Ports, Labor, and the Logistics Revolution*. Ithaca: Cornell University Press.

3 While Black and Latinx workers are the primary group of racialized warehouse and last-mile logistics workers in the United States, there is a growing number of migrant workers across Amazon's vast global supply chain network throughout Europe. Throughout Western Europe, Eastern European workers are overrepresented in Amazon's warehouses. In addition, migrants and refugees of color from Africa, Asia, and the Middle East are also overrepresented in these low-wage jobs.

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3

LORDS OF THE PLATFORM

Rentier Capitalism and the Platform Economy

Jathan Sadowski

3.1 Introduction

In critical studies of technology and political economy, digital platforms are now being seen as a defining technological and organizational form of contemporary capitalism (Srnicek 2017). As the foundations of the gig economy, platforms are creating new types of markets, coordinating exchanges of goods and services, and controlling the conditions of labor for increasingly larger and larger numbers of workers (Graham and Anwar 2019; Gregory 2021; Richardson 2019; Wells et al. 2021). As the infrastructure of the digital economy, platforms are producing data as an asset class, enacting new mechanisms of rent extraction, and intermediating the circulation of capital (Langley and Leyshon 2017; Sadowski 2020a; van Doorn and Badger 2020). As a sector in the global economy, platforms are capturing massive market capitalizations, subsuming other industries into their business model, and building monopolies that rival the robber barons of the last century (Fernandez et al. 2020; Rahman and Thelen 2019; UNCTAD 2019).

Building on this literature, this chapter explores the intersections between digital platforms as a powerful means of extracting rent and digital platforms as a powerful means of controlling labor. In recent work I have explored each of these features on their own in more depth. For the former, I have analyzed how the operations of platforms are based on the "technological expansion and empowerment of rentier capitalism," which I called the "Internet of Landlords" (Sadowski 2020a: 564). In other words, the ubiquity of platforms should be understood as an explosion of landlords. We are constantly paying rent, in terms of both money and data, for all of the different things and services we use every day that have been enclosed by platforms.

For the latter, Karen Gregory and I have analyzed how gig labor platforms construct a "biopolitical governance regime," which administers a process of

DOI: 10.4324/9781003351764-4

subject formation – that is, of making the gig worker who can productively meet the demands of the platform. This biopolitical administration pulls workers into "algorithmic practices, simultaneously measuring [their] development, managing [their] processes, and feeding off [their] data outputs" (Gregory and Sadowski 2021: 3). Critical analysis of the gig economy should take into account both the rentier and biopolitical dimensions of platforms – not just as separate features, but as a synthetic relation.

With that account in mind, I offer a provocation in this chapter for reframing gig platforms as *servant apps* and for rethinking the gig economy in terms of rentierism. In the next section, I home in on how these servant apps have taken advantage of crisis and marshalled key concepts like "flexibility" to entrench a techno-economic system – which many scholars are now calling neo-feudal – marked by extreme exploitation and despotic control of labor. From there, I further describe the centrality of data extraction and digital enclosure to the operations of gig labor platforms. I then conclude by considering the conditions of their survival.

3.2 Servant Apps

In March 2021, Uber launched marketing campaigns with slogans like: "With Uber Eats, 'I'm basically CEO'"[1] and "I choose flexibility" (Uber 2021). The campaigns illustrate these slogans with short profiles of drivers for Uber and Uber Eats designed to show how working for the company has provided people experiencing personal hardships, which might impede them from working a regular full-time job, with new opportunities to earn income. The campaigns were part of a publicity push in support of Uber's "new proposal for independent work" – a proposal that Uber, alongside a coalition of other platforms like Lyft and DoorDash, fought hard to win political legitimacy for during their aggressive lobbying in support of Proposition 22 in California. The multi-billion-dollar companies behind many of the services that have become core parts of our daily lives spent over $200 million – more than ever spent on lobbying for a single state ballot – to "write their own labor law" (Marshall 2020). The passing of Proposition 22 in November 2020 exempts these platforms from classifying workers as employees and enshrines into law many of the infamously exploitative labor practices that were already happening through regulatory arbitrage and legal loopholes. Through Proposition 22, they were essentially able to establish the political and legal legitimacy for an underclass of on-demand servants. App-based workers now exist in a murky third category where they are "neither employees nor independent contractors," thus suffering the "worst of both worlds" in terms of enjoying even fewer rights and benefits (ERAI 2021).

Proposition 22 is just one crowning achievement among many for the technology sector during the long year of Covid-19. I should note that, while revising this chapter in late August 2021, a California Superior Court judge ruled that Prop 22 was "unconstitutional and unenforceable" (Roosevelt and Hussain 2021: np). This is a massive win for the labor organizers and activists who have long been fighting

against this state statute – and it should be celebrated. That said, we must soberly confront the fact that this is still only the beginning – a battle in a larger war. In response to the ruling, an Uber spokesperson said, "We will appeal and we expect to win" (Roosevelt and Hussain 2021: np). What's more, this coalition of gig platforms is lobbying hard for similar laws in other states like Massachusetts. For them, California was always a trial balloon for a broader rollout across the United States and internationally.

The economic story of the pandemic is an uneven one. While both labor and capital, across nearly every sector, experienced massive contraction, the technology sector had a boom year in 2020. Big-tech monopolies like Alphabet and Amazon experienced growth on a scale that far surpassed financial projections. The *Financial Times* reported, for example, that at the end of 2020 Amazon "posted record quarterly revenues of $125.6bn, up more than 40 per cent in the same period in the previous year, and comfortably beating Wall Street's expectations" (Lee 2021: np). These companies have repeated their "record" performance in the first half of 2021. Financial and tech analysts now largely agree that these stunning profits are evidence of platforms successfully entrenching themselves as the essential infrastructure we must all depend upon. By taking advantage of waves of job loss, dependency on online shopping, and closures of competing business, platforms specializing in logistics and services strengthened their position over workers in an already precarious labor market and further captured users in an already concentrated consumer market.

What's more, with capital having fewer attractive places to invest, even more money is flooding into the tech sector. "Deal flow and valuations are reaching new heights in technology start-ups, as a flood of cheap cash fuels efforts to find the industry's next big winners," the *Wall Street Journal* reported (Somerville 2021: np). One investor remarked, "I've never seen it this frenzied. It's lightning-fast rounds with a lot of cash." Capital accumulation in the tech sector – and the "platformization" of the global economy – had already been accelerating at breakneck speed over the last decade (UNCTAD 2019). But its ability to take advantage of compounding crises – and claim larger shares of an economy shrinking for the working class – has been like an injection of nitrous oxide into the growth engine.

These companies long ago sold venture capitalists on their vision of hyper-flexible accumulation[2] as the future of labor. Now they need to convince the public this is a future that's here to stay – so we better get used to it, if not come to accept it. Concepts like flexibility have always been cornerstones of the so-called gig economy. In a *New York Times* op-ed leading up to the Prop 22 vote, Dara Khosrowshahi (2020), the CEO of Uber, began sketching out his proposal for a new type of workplace built on the principle of ultimate flexibility. "Our current employment system is outdated and unfair. It forces every worker to choose between being an employee with more benefits but less flexibility, or an independent contractor with more flexibility but almost no safety net" (Khosrowshahi 2020: np). Uber had a different model in mind where drivers for his platform were not employees of the company per se but rather entrepreneurs who enjoy the freedom

to work whenever they please (Dubal 2017) – as long as they stay in the good graces of the platform. In exchange, gig workers also get to bear the burdens of essentially no labor rights, few benefits, precarious wages, and little say over how they work. But now this labor regime is framed as the workers' freedom and choice – their responsibility – to realize their true potential and thrive, merely survive, or die trying.

In reality, the flexibility to work any time takes shape as a necessity to work all the time just to make ends meet (Gregory and Sadowski 2021). In an analysis of how Deliveroo automates the coordination and calculation of markets for its services, Lizzie Richardson (2019: 629) explains how workers are "coerced" by the platform into a flexible mode of labor that "enables the greater autonomy of the other elements in the arrangement of the delivered meal." In a complementary study of how Deliveroo workers navigate the physical and financial risks of laboring on platforms, Karen Gregory further explains how these forms of algorithmic management create "labour arrangements [that] lead to chronic uncertainty around schedules and expected wages and are associated with anxiety and overwork" (Gregory 2021: 319). Thus, the promise of flexibility touted by these platforms is not so much a boon granted to workers but rather a core component in the organization and operations of platform capitalism (Shapiro 2018). In other words, flexibility has been developed as a sophisticated tool for subordinating the needs of labor to the desires of capital.

However, as Alex Wood (2020) demonstrates in his work on the "despotic" and "disciplinary" control of workers' time by managers at retailers like Walmart, the weaponization of flexibility by gig work platforms is not their own innovation. It is, instead, an acceleration of techniques that corporations have long been perfecting in various ways. Tyrannical managers may become augmented by authoritarian algorithms, workplace surveillance may become supercharged by ubiquitous sensors and artificial intelligence, human workers may become treated more like flesh-and-blood robots (Delfanti 2021). But, regardless of their technological form, these "smart" systems are not unlike anything that has ever come before, as both tech evangelists and their critics have a tendency to claim. They are, instead, the latest developments in the history of capitalist technologies for accumulation and domination (Sadowski 2020b).

The real innovation here is actually found in the ways platforms have updated older forms of political-economic relations with newer means of technological mediations. They have rebranded entire sectors as "services," employees as "entrepreneurs," renting as "subscribing," ownership as "sharing." This vocabulary of Silicon Valley buzzwords is more like a lexicon of the powerful meant to mystify and obscure actual social relations, recasting it in terms that favor the interests and positions of corporations. Platforms enjoy all the rights of owning an asset while we pay for the limited privilege of access (Birch and Muniesa 2020). It's readily apparent that these frictionless services are wholly dependent on the hidden, grueling, and undervalued work of human servants tethered to the platforms. Indeed, critical scholars closely watching the development of the gig economy and digital

platforms – among other changes in capital, labor, and technology – have begun looking to pre-capitalist modes of production for guidance in understanding the contemporary period.

Jodi Dean (2020: np), in a widely circulated essay, points out that "Over the past decade, 'neofeudalism' has emerged to name tendencies associated with extreme inequality, generalized precarity, monopoly power, and changes at the level of the state." There is a growing list of commentators following this line of reasoning. Over a decade ago, for example, Astra Taylor (2009) called this process "serfing the Net," while Cory Doctorow (2015) warned that, due to the erosion of personal property rights, "we are headed for a long age of . . . ICT-powered feudalism." Adding further analytical heft to these arguments, Dean (2020) attempts to show how "capitalism is turning itself into neofeudalism" by directly mapping updated forms of feudal relations onto our currently existing material conditions.

> Digital platforms are the new watermills, their billionaire owners the new lords, and their thousands of workers and billions of users the new peasants. . . . This tendency toward becoming-peasant, that is, to becoming one who owns means of production but whose labor increases the capital of the platform owner, is neofeudal.
>
> *(Dean 2020: np)*

Empirical research with workers in the service sector confirms this theoretical analysis. Flexibility, precarity, and servitude are defining characteristics of these jobs. Based on their in-depth ethnographic study of independent fitness trainers, Harvey et al. (2017) have described this form of work as "neo-villeiny," named for the labor relationship that existed in medieval Britain between serfs and lords. The features of neo-villeiny include some form of "bondage" to the landlord/employer, rental payments for access to assets needed to work, replacement of a guaranteed wage with merely an opportunity to earn income for work, and the presence of "extensive unpaid and speculative work that is highly beneficial to the landlord/employer" (Harvey et al. 2017: 20). These are all features that exist to a great degree within platform labor conditions.

For example, illustrating neo-villeiny in the gig economy, Gregory (2021) explains how Deliveroo workers have to pay fees to Deliveroo for the branded delivery boxes and jackets necessary to work on the platform. "Such an arrangement leaves workers already in debt to the company even before they begin working." That is, relations of debt obligation and rent extraction are established from the outset before any potential income is even earned from working on the platform (Gregory 2021: 324).

Dean (2020) and Harvey et al. (2017) make provocative arguments for understanding the labor arrangements of the gig economy as a form of "neofeudalism" or "neo-villeiny." However, I have argued in related work that the political economy of digital platforms should be analyzed as a massive expansion and empowerment of rentier capitalism – rather than a regression to a pre-capitalist period – which is built

on "new mechanisms" of data extraction and digital enclosure (Sadowski 2020a). Setting aside any sectarian squabbles about labels, the core conclusions remain much the same: these lords of the platform – the proprietors of servant apps – base their profits on rent extraction and their power on digital enclosure. Moreover, the arrangement between platforms and workers is based on an unrelenting drive to exploit, dispossess, and dominate both people and property. (Indeed, "relentless" is one of Jeff Bezos's favorite words; visit www.relentless.com, and it redirects you to Amazon's homepage.) As described earlier, workers are enrolled into systems of precarious labor with almost no rights or benefits, where uncertain and low wages are common, while also subjected to intensive management and invasive surveillance. At the same time, increasingly more things and assets are enrolled into systems of networked control and continual access, providing platforms with new abilities to extend their reach into our lives and maintain ownership over property we think of as our own.

With the ascendancy of the platform business model (Rahman and Thelen 2019), we are now witnessing the resurgence of rentierism with digital characteristics as a dominant mode of capitalism today (Birch 2020; Christophers 2019; Sadowski 2020a). This forms the material foundations on which the servant apps of the gig economy are built. In the remaining two sections of this chapter, I offer a brief overview of these features of rent extraction and digital enclosure and their operations within the gig economy. My purpose here is not to be comprehensive but rather offer some orientation to thinking about these political economic features of platforms.

3.2.1 Data: Producers, and Products

It has become received wisdom in the business world that companies could always be collecting and capitalizing on even more data than they already are (Fourcade and Healy 2017). This principle is data maximization – collect as much data as possible, from all sources, by any means – rather than data minimization: collect only what's needed, nothing more. "The data imperative isn't based on meeting a quota of data collected; it is a never-ending quest to amass, hoard, and exploit data" (Sadowski 2020b: 35).

There is a still growing but well-established body of literature focused on questions related to the logics and mechanisms for extracting data: how is it extracted, who are the extractors, and from where/whom is it extracted (Crain 2021; Fraser 2019; Mezzadra and Neilson 2017; Sadowski 2019)? The question of data has long been an issue for studies of digital labor (Fuchs 2010). However, recent work has begun highlighting how the extraction and assetization of data are now essential to capital's processes of valorization. Van Doorn and Badger (2020: 1476) write in their instructive analysis of how data assets are produced in the gig economy that gig work must be understood as essentially data work:

> [G]ig work under conditions of platform capitalism is characterised by a process that we call 'dual value production': the monetary value produced by the service provided is augmented by the use and speculative value of the data

> produced before, during, and after service provision. . . . While data may at first seem like a supplementary component of the service provided, it is thus actually key to understanding what gig platforms are about.
>
> *(van Doorn and Badger 2020: 1476–1477)*

Financially, we could argue that the massive valuations such platforms tend to attract – even as they operate on consistent losses, many with slim hope of ever achieving profitability – is based just as much, if not more, on the data rents they extract from users and workers on the platforms. The data is far from a byproduct of the system. Rather, the platforms devote a lot of time, resources, and ingenuity toward turning workers into both data products and data producers.

As data products, workers are datafied through processes of what Deleuze (1992) called "dividualization" – blown apart into streams of data, human workers reduced to abstract information, dumped into databases, and administered by algorithms. In interviews, gig workers express how "they do not feel recognised as *human*" by platforms that treat them merely as data points owned and controlled by the companies (Gregory and Sadowski 2021: 9, emphasis in origimal). The data amassed, aggregated, and analyzed about them are used to exert discipline and domination over them. As data producers, in addition to providing a service like driving passengers or delivering food, much of the value workers create is in the form of data used to refine the platform's operations, build new products, or sell to other companies and governments (Attoh et al. 2020; Sadowski 2019). As such, part of their job is making themselves legible to the platform, readable by the machine, tethered to the app, able to be tracked completely and constantly. Being products and producers of data – playing their part in these technical systems and social relations – are important ways workers pay rent to the platform.

The constant accumulation of value from labor is a core imperative of capital. Within contemporary capitalism, data assets are a crucial form of value and rent extraction a key mechanism for its accumulation. "The capitalist is not concerned with the immediate use of a data point or with any single collection, but rather the unceasing flow of data-creating" (Attoh et al. 2019). But this is not the only imperative driving the operations of capital. Power over property and people is an equally important motivator. Extraction and enclosure – data collection and digital control – exist in a mutually reinforcing relation. They typically go hand in hand.

3.2.2 Enclosure: Services and Servants

When you hear a tech company describe itself in terms of doing "X-as-a-service," that should trigger alarm bells. Chances are you're face-to-face with a platform rentier, perhaps already well established or merely a wannabe, who seeks to enclose access to, and capture value from, some sector of assets and activities by "transforming traditional goods into rentable services" (UNCTAD 2019:45; see also Banks 2020). Since my focus is on the gig economy here, I won't even breach the ways

platforms enact digital enclosure through software licenses and network connections of increasingly more physical things, from coffee makers to cars, thus allowing them to assert property rights over everyday objects (see Sadowski 2020a).

Platforms pitch their services as a way of turning idle resources into maximally productive assets, thus unlocking their late value. In other words, Airbnb turns your unused bedroom into a productive asset that generates rents, Uber turns your empty car seat into a productive asset that generates fares, DoorDash turns your spare time into a productive asset that generates fees. This X-as-a-service rental model follows the shift toward assetization that Birch (2015: 122) defined as "the transformation of things into resources which generate income without a sale."

However, this unrealized value is not activated automatically just by signing up to the platform. It requires people to do work – often work that is unpleasant, unappreciated, and undervalued – by actually providing the services for the platforms. The platforms then claim a (large) cut of the value created as a fee for using *their* digital property to valorize your own labor and assets. Since they control access to the "condition or means of production," platforms can, therefore, demand rent from all economic and social activities that include their property (Harvey 2006: 73).

This rentier model hinges on the platform becoming a (necessary) intermediary in the circuits of production, circulation, and/or consumption – thus giving them further rights and abilities to extract increasingly larger rents from ever more activities, with the ultimate goal of capturing monopoly rents from workers and consumers (Srnicek 2017).

Platforms seek to take advantage of their position as a rentier – claiming to be merely a proprietor of infrastructure, an agent of intermediation – to avoid any of the obligations that might come with being an employer. They want great power without any of the great responsibility that ought to come with it. This is evident in the way they create tightly coordinated command and control systems to manage workers, establishing "just-in-place" service provision akin to "just-in-time" manufacturing (Wells et al. 2021). Or, the way they seek to undermine all competitors, public and private, and "establish themselves as obligatory passage points for individuals seeking city information or accessing city services" (Monahan forthcoming: 2). This represents an enclosure of both workers-cum-servants, who are tethered to the platform, and goods-cum-services, which are gatekeptby the platform. Arguably, these are the actions not of your everyday rentier who wants passive income but rather of a *lord* who has ambitions of authority and sovereignty (Sadowski 2020c).

3.3 Conclusion

The survival of these platforms depends on continual extraction and enclosure. For many gig work platforms, profitability is a pipe dream. It's a promise that's always only a few years away, even though the goal posts are constantly moving just out

of reach. But at some point, we have to reckon with the prospect that profit is not the point – or, at least not the priority for the foreseeable future. Capital is like a shark that dies if it stops moving; similarly, the need for constant growth and scale is baked into the platform business model. We see all the ways they strive to make goods even cheaper, services even more convenient, labor even more exploitative, data capture even more extractive. These are steps along the path to achieving what they and their investors hope is their final form: not just monopolies in the market, but *owners* of the market. It's worth quoting at length from van Doorn and Badger (2020: 1488–1489), who I think perfectly describe the financial strategy at play here:

> Whereas entrepreneurial platform workers and coops require short-term returns on their investments in order to survive, the lack of economic sustainability is much less of an acute problem for private platform companies whose profitability is secondary to their market capitalisation, or the appreciation of their total stock value. . . . As long as investors can be assured that a platform will at one point attain monopoly-like status and can thereby start extracting monopoly rents, its founders can expect new capital injections that subsidise the company's continuing efforts at improving its financial performance, which should lead to a further inflation of its financial value.

It's their willingness and ability to post consistent losses, to operate on the edge of failure, to act so aggressively against competitors, to show flagrant disregard for all regulations – all in the service of eventual domination – which makes platforms both formidable and frightening. We can see the outcomes of this stark reality in the gig economy: in the creation of servant apps, in the operations of rentier capitalism, and in the relations between consumers and workers and platforms.

We have to confront the real power of this political economic model and its material consequences. I don't mean to sound totalizing or despairing in my analysis. Those are not the conclusions I take away from it. This model is contingent. Much as they try to convince us otherwise, it's not the only one possible or available to us. And people are recognizing and acting on that fact. Workers are attempting many tactics for resistance. Public perception of big-tech corporations is beginning to sour. Policymakers are starting to wake up to the need for reform. By sharply analyzing the operations of gig labor platforms and the conditions of their survival, it's my hope that we will be better equipped to know where to strike crippling blows against them.

Notes

1 See this tweet on 8 March 2021 by law professor Veena Dubal for a screenshot of the Uber newsletter with this slogan: https://twitter.com/veenadubal/status/1368972113474822145

2 A few paragraphs on flexibility in this section are adapted from Sadowski (2021).

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4

DIGITALIZATION, AUTOMATION AND THE FUTURE OF GLOBALIZATION

Samuel T. King

4.1 Introduction

In Australia of the 1990s, and elsewhere, going to "a gig" meant going to see live music, not going to work – except for the musicians who performed that work. The "gig economy" model of employment for the musicians, artists and other types of specialist workers pre-dated deep penetration of the internet.

Today's "gig economy" usually refers to work in areas that have been increasingly casualized, informalized or otherwise disrupted with the aid of new, large-scale internet-based digital platforms such as Airtasker or Uber. For this reason, the term "gig economy" is routinely mistaken to originate not from the term "gig" that comes from the early North American jazz scene but from the ever-expanding *gigabytes* of information transmitted over the internet that facilitates this latest rupture.

"Giga", as in "gigabytes", refers to billions of bytes, or units of computing power. The term is derived from the Greek γίγας (*gígas*), which means giant. This original meaning may still be appropriate given the size and power of top digital employment platforms today. Large digital companies are indeed gigantic compared with the size and power of individual drivers, cleaners and other gig economy workers – at least when the latter are not collectively organized.

According to etymonline.com, the term "gigabyte" originates from 1982. In that year, the best-selling personal computer – the Commodore 64 – had a RAM capacity of just over 64,000 bytes. Today even a mid-level phone can have 6 gigabytes of RAM – over 90,000 times greater.

The forward march of digital technologies has been used by capitalist business owners in the rich countries to help "offshore" and outsource production and labour processes. Offshoring became widespread long before Uber and similar platforms shook up domestic service employment. A word for this

DOI: 10.4324/9781003351764-5

phenomenon – "globalization" – was already abuzz in mass media and in the anti-corporate protest movements that emerged after the enactment of the North American Free Trade Agreement and the signing of the Marrakesh Agreement for the establishment of the World Trade Organization in 1994. The globalization trend was linked with business investment in production facilities in the People's Republic of China, Southeast Asia, Mexico, Eastern Europe and other cheap labour markets. Offshoring and global-scale organization of production processes further intensified when China was admitted to the World Trade Organization in 2001. By contrast, even in San Francisco, Uber did not launch until much later – 2010. By that time the growth of global production networks and global trade growth had already begun to slow in the wake of the 2008–2009 global economic crisis. Growth of global trade was slower than the growth of global output (Titievskaia et al. 2020: 5), meaning trade was falling as a portion of world production. The extent of "globalization" had begun to be wound back to some extent long before the Covid-19 pandemic.

The two distinct periods are the rapid expansion of globalized production networks and the relative scaling back and declining importance of globalization. It is the second period that is most associated today with what has come to be called the "gig economy". However, each of them might fall under the looser term "giga", in that each is associated with the advance of digital technology. What follows is an outline of the different and contradictory ways that digital technology has been applied to the production process in each of these periods to achieve the contradictory trends of globalization and tendential de-emphasis on globalized production networks.

Presentations of social change can tend to view technological developments as having a life of their own – that is, where technology dictates to human society what forms social change will take. The social function of such an outlook, while rarely intentional, is to absolve the capitalist owning class and political and state representatives with decision-making power of responsibility for the decisions and social policies they have presided over. The starting point in this chapter is the opposite: those human decisions have dictated the forms of technological development, rather than the other way around.

It is clear that new technologies when brought into widespread usage can have deep social repercussions – as is the case for the gig economy. Yet to anticipate the specific ways that any given set of technologies might influence social organization in the future – even very generally – requires we analyse key drivers and contexts of its rollout.

In capitalist society, where social means of production are principally privately owned and run for the benefit of their owners, private profit powerfully regulates social development decisions. To develop a concrete analysis of the impact of digital technologies on globalization, we need to look at the ways they have facilitated profit making in each of the two periods.

This chapter looks at the relationship between digital technology and the globalization of the production process and the labour process, which is one of the

most characteristic features of capitalist society. The following is an analysis not of the technology involved but of the political economy surrounding its use in the production process.

Globalization of production is not principally a product of digital technology but of capitalism's long-held tendency towards ever larger-scale production and ownership. Giant monopolistic corporations increasingly became the dominant form of capitalist ownership prior to the First World War. The demands involved in the competitive production of certain commodities – at that time this was particularly the case for raw materials – meant the necessary scale of their production was already outgrowing the boundaries of capitalist nation states. To take one famous example, in his 1917 book *Imperialism*, which aimed to analyse this phenomenon, Russian Marxist Vladimir Lenin outlined the global production and marketing of what had already become a most important commodity – oil (Lenin 1963: ch.5).

Closer to our own time, widespread adoption of digital computing, record keeping and communications in the second half of the twentieth century became powerful means with which corporations and governments could increase the global spread of the production processes involved in many products.

The advantages of modern computers in recording, storing, recalling and communicating these data are immense and enabled a greater number of processes to be more accurately specified. Advances in communications technologies facilitated a growing ability for producers to communicate this more detailed technical information rapidly and accurately over long distances – especially across national boundaries – making the globalization dynamic possible.

However, digital technology does not automatically result in greater globalization of production. Rather, whether production – or specific parts of it – will be organized in a more or a less global way depends on a whole range of factors affecting profit rates.

The potential for digital communications technology to give corporations access to relatively cheap Third World labour is one such factor influencing the overall profitability of producers. It was this factor that became dominant in many corporate decisions and underscored a wave of globalization in the 1980s, 1990s and the first decade of this century. However, for different producers, producing different commodities – the importance of cheap labour to their operations varies enormously. For example, for producers that employ only highly specialized skilled labour, access to a pool of cheap non-specialist labour is irrelevant.

The example of the contemporary gig economy also shows that the advance of digital technologies does not necessarily lead to a greater degree of globalized production. Uber and other online platforms have had the effect of cheapening the wage bill for some key services through disrupting employment of what are most often local workers. This has occurred domestically inside both the rich and poor countries. The gig economy's impact on cheapening labour costs inside the high-wage regions becomes one factor that reduces the advantages of offshoring production to cheap labour economies.

In the public eye, digital technology is often most associated with the forms of its use that individual consumers have most contact with – the internet and personal wireless communications devices such as mobile phones and computers. However, corporations are equally interested in applying technologies to the production process in ways that cheapen production but the consumer will not see directly.

This chapter argues that two key trends in globalization – from the start of the neoliberal period around 1980 until today – can broadly be explained by the interplay between two competing ways that technological development can cheapen the production process. These two trends are globalization's acceleration in the 1980s, 1990s and 2000s and its deceleration, even partial rollback after the 2008–2009 economic crisis.

The first of these periods is characterized by the development and application of information and communications technologies specifically suited to facilitate corporate exploitation of cheap labour in Third World societies such as China and Mexico. The second is characterized by the development of digital technologies aimed at bringing about higher levels of automation and mechanization of production, which replaces that cheap labour with machines.

Automation, by definition, is the abolition of labour – or at least the abolition of certain types of it (see following discussion). Automation, therefore, necessarily tendentially negates the drive to shift production to cheap labour locations. Hence, it pushes in the direction of slowing or reversing globalization. This tendency was already gaining momentum after the 2008–2009 economic crisis. It has been given greater impetus more recently by both the economic crisis caused by Covid-19 and the increasing hostility towards China on the part of the United States and other rich countries.

4.2 Cheap Labour Globalization

At least superficially, the basic reason why we had one period and then the other is straightforward: there was relatively greater availability of the cheap productive labour in the 1980s, 1990s and 2000s, while by the second decade of the twenty-first century the abundance of this supply had begun to fall back.

The cause of the relative abundance was the collapse of the system of socialized property ownership in the Soviet Union and Eastern Europe (which meant corporations did not have access to most labour in these regions) and the introduction of market reforms in China that gave multinational corporations (MNCs) access to Chinese workers. At the same time, other countries such as Indonesia, India and Mexico also increased the availability of their labour forces to MNCs. Freeman referred to this as the "doubling" of the global labour supply (Freeman 2006).

Supply not only increased, but the increase was at the bottom end of the global wage scale. Further, increasing skill levels in many poor countries, and especially MNCs' access to workers from the former socialist countries and China meant a huge increase in the supply of cheap skilled workers. These developments increased the gap between the cost of labour in the rich countries and labour MNCs could access elsewhere. Hence, it increased the cost savings associated with offshoring.

Further, in the global market, capitalist investments in this cheap and often skilful labour effectively stood in competition with investments in labour-saving production techniques that would be forced to compete with it. Such a massive cheap labour pool made it more difficult for investments in mechanization and automation to stack up financially.

The underlying cause of neoliberal globalization was not that advances in digital technology made it cheaper for MNCs to offshore production. Rather, massive increased supply of cheap labour provided the context in which it was profitable for capital to invest in developing and applying the specific forms of digital technology and other productive investments that would give them greater access to exploit that gigantic human resource. A different set of conditions affecting profitability would have caused a different set of investment decisions bringing to maturity different forms of technological advance than what in fact occurred in the period.

Today, extreme wage differences between rich and poor countries remain, and the gap has not changed much over the last several decades (King 2018: 449). However, for corporations weighing up investments that give them access to cheap labour, the question is in part a question of degree: *how* cheap is the labour? *How* abundant its supply? How cheap is it *in all the relevant skills* for the production process they wish to invest in? How important is cheap labour compared to the overall costs? What is the proximity of the appropriate types of cheap labour to relevant infrastructure? In practice, capital must consider not only labour but all factors affecting cost such as cost of capital, land, tax, materials, infrastructure, "sovereign risk", access to finance and so on – but here we are focusing just on the labour process.

4.3 Wind Back of "Hyper-Globalization"

The Covid-19 pandemic seems to have rapidly accelerated conflict between the United States and China and pushed all the rich countries to try to limit their exposure to disruptions in supply by reducing the length of their supply chains and reshoring some strategic production – or at least attempting this. Increasing diplomatic, military and economic aggression towards China by the United States and other rich-country governments further complicates the task of exploiting Chinese labour. An example of this aggression is simultaneously targeting Chinese domestic microchip production and its microchip importation (Hille, White and Inagaki 2020; Alper, Sterling and Nellis 2020). However, the shortening of supply chains and "reshoring" certain production processes back to the United States, Western Europe and Japan are broadly in continuation with trends that existed prior to the global pandemic and the recent hostility towards China. The United Nations Conference on Trade and Development (UNCTAD) noted in 2020:

> After the global financial crisis, and especially after 2010, the growth momentum of international production stalled. This was first reflected in trade: worldwide exports of goods and services, which had grown at more

> than double the rate of GDP for decades, slowed down significantly relative to economic growth.
>
> *(UNCTAD 2020: 124)*

Factors long seen to decrease the profitability of MNC investments or of Chinese suppliers include the now shrinking size of the Chinese workforce and the much higher rates of Chinese wages compared with their levels two or three decades ago. Typical Chinese manufacturing wage rates are now comparable or higher than those in Mexico and Brazil. This is the reason why, for many US companies, switching production away from China towards "near shoring" arrangements that exploit Mexican labour just South of the US border, instead of Chinese labour, makes more sense (Furner 2021).

The period of what is sometimes called "hyper-globalisation" (Subramanian and Kessler 2013) was a function of the super-sized difference in wage levels after the collapse of the Socialist Bloc, while the pull back from globalization's hyper stage is because that super-difference has been reversed to some extent by the developments it triggered – namely, the rapid development of production in China.

Those companies whose business model depends on chasing *super*-cheap labour – that is, labour costing just a few dollars a day – can no longer access this neither in the more developed Eastern part of China nor in Northern Mexico. They are forced to seek it in smaller and less developed labour markets like Vietnam, Indonesia, Bangladesh, India and elsewhere.

As suggested, investment principally aimed at the exploitation of cheap labour appears to be marginally decreasing compared with manufacturing output overall. This change is reflected in the trend towards increasing manufacturing investment inside the United States, Western Europe and other high-wage regions. For example, manufacturing employment inside the United States increased 7% between 2010 and 2020 (Reshoring Initiative 2020). This increasing manufacturing employment is despite much greater levels of automation. Many new factories employ only a few hundred or a few dozen engineers and specialized technical workers (see following discussion).

This does not mean globalized production and exploitation of cheap labour will not end or become unimportant. It means cheap labour's role as a driver of world growth and development is reduced. However, it does not mean China or other poor countries are no longer crucial for MNC profits and investment. The existing level of foreign investment stock and trade remains huge even if growth has slowed. Companies also secure profits through investments other than in production. China's recent opening to US global investment banks like Bank of America and Goldman Sachs is a case in point (Wee 2021).

4.4 The Alternative Way to Increase Profits

The reduced emphasis on below-average wage costs as a way of generating above-average profit rates for MNCs does not indicate any lessening of their drive to

maximize profits. There is a change in emphasis in how this is pursued. The 2000s have witnessed greater mechanization and automation of production facilities. The relative decline in the availability of cheap labour underwrites accelerated investment in automation because the latter is not competing against such cheap labour. In 2017, the UNCTAD argued the days of "hyper-globalization" looked to be numbered:

> There are already signs that industrial robots are increasing the tendency towards concentration of manufacturing activities in a small group of countries [while] developing countries' employment and income opportunities in these sectors may be adversely affected by the reshoring of manufacturing activities and jobs back to developed countries.
>
> *(UNCTAD 2017: 50)*

> The increasing availability of cheaper industrial robots has the potential to revert [the] trend [of hyper-globalization]. It will reduce, potentially dramatically, the competitive advantage of low-cost manufacturing hubs in developing countries.
>
> *(UNCTAD 2020: 124)*

This latest form of technologically driven profit maximization is, just like the cheap labour form, facilitated by advances in digital technology that could broadly be categorized as part of the "gigabyte economy". During "hyper-globalization", capital-prioritized investment in the research, development and deployment of digital ICT technologies helped facilitate the exploitation of abundant cheap labour. In its aftermath a different set of technologies such as sensors, machine-to-machine communications and big data have been commercialized to facilitate the development of highly mechanical processes and industrial robots to replace labour. Notably, these distinct emphases are not just different but opposite forms of obtaining above-average profit. Mechanization and robotization result in the eradication of cheap labour.

There are at least two reasons why it is less profitable, or often not possible, to move these complex forms of labour to cheap labour locations. One is that greater mechanization generally means the proportion of overall costs going to wages is reduced, thus reducing the importance of the price of labour compared with other costs. Another is that complex scientific and other skilled labour of the types usually required for large-scale modern machine industry or industrial robots is more readily available in the countries where such systems are developed – that is, in the rich countries (King 2021: 159). In practice, there are also non-labour reasons why advanced mechanical production may be kept closer to home, such as the protection of intellectual property and political considerations.

While the difference in investment decisions, at least for the moment, is perhaps only a difference in emphasis, the social implications of this changed emphasis are still immense. The wave of globalization that underwrote profitability in the

neoliberal period had a tremendously disruptive effect on working people, from the Unites States and France to Mexico, India, Indonesia and China. If the trend continues to reverse, the implications can be hardly less important.

4.5 Globalization's Future

The labour cost analysis discussed here is a simple explanation of the two recent periods of hyper-globalization and its relative past. Trying to project what might occur into the future, however, is far more fraught and requires a little more digging.

Standardized, individual labour tasks may be carried out by humans or replaced by machine production. However, in a social sense the phenomenon is not really replacement of human labour with machine labour. Rather, it is the replacement of simple human labour with more complex forms of human labour – that is, with the scientific, engineering and other forms of skilled labour that come together to design, develop, build, organize and maintain machine operations.

Mechanization therefore increasingly creates two types of labourers within the broader labour force: scientific and high-level technical labour on the one hand and non-specialist, lower skilled or menial workers on the other. The latter is the result of two facts: even highly mechanized factories still create *some* menial jobs; also, not all aspects of the labour process can be mechanized (or at least not while these are run for private profit). Hence, large numbers of menial workers remain.

These two types of labour are not only different but fundamentally occupy opposite positions within the overall labour process. Scientific labour is that which drives the overall technical development of the labour process. Menial labour by contrast is driven by these developments. It is both abolished and (to a lesser extent) re-created by these changes. Importantly, it also remains alongside of them in massive quantities as the remnant of pre-automated production.

Menial labour therefor occupies a fundamentally subordinate position within the overall social division of labour. It can be and is outsourced or abolished through the development of the production process. With few exceptions, workers without extraordinary or specialized skill sets have to worry about not only other workers being given their jobs but also their jobs being given to machines. These are the fundamental reasons why workers in this wing of the working class have a far weaker bargaining position than highly skilled and scientific labour.

The rich countries continue to dominate scientific research and development in the production process, and advanced production facilities are generally placed within their borders (UNCTAD 2021: 47). As such, the polarization of the labour process between scientific and highly skilled labour on the one hand and menial labour on the other tends also to correspond to the polarization of the world economy between the rich and the poor societies (King 2021: 159, 166).

This is not a new phenomenon. The international labour polarization was noted by Hymer when he pointed out that international trade in the early 1970s was between producers carrying out "higher and lower functions: one party does

the thinking, planning, organizing: the other does the work" (Hymer 1972: 109). Marx earlier made a related comment on the form of globalization that was occurring in his time:

> A new and international division of labour, a division suited to the requirements of the chief centres of modern industry springs up, and converts one part of the globe into a chiefly agricultural field of production, for supplying the other part which remains a chiefly industrial field.
>
> *(Marx 1999: ch.15)*

The division of the world into, as Marx described it, the "chief centres of modern industry" and the rest of the world that acts as the periphery appears as an ongoing feature of the capitalist system to this day. The postwar period before the neoliberal era – where Third World nations principally exported agricultural and raw materials – remained closer to the globalization of Marx's time. The hyperglobalization period, lubricated by the increasing quantities of gigabytes crossing international borders, where poor societies increasingly contributed cheap labour, represented a new form.

It remains commonplace to view the shift of production processes, especially to China, in an undifferentiated manner – that is, to view increased production in China and other poor countries as the migration of *all types* of labour and production away from the rich countries. If that were accurate, the development of more advanced digital communications would not have been so important to neoliberal globalization as corporations could simply have moved their operations entirely and abandoned their rich country bases.

In practice, MNCs and their suppliers, during the 1990s and 2000s, applied new digital information and communications technologies towards more widespread, accurate and systematic "codification" (E. Steinfeld 2004: 1972) of technical production specifications. Codifying standard production processes enabled what UNCTAD later called the "fine slicing" or production processes (UNCTAD 2013: 156) – that is, breaking up given labour processes into many distinctive, isolated processes and transferring some *but not all* of these to cheap or cheaper labour parts of the world. Fine-sliced production was reflected by rapid growth in trade of intermediate goods and services, which stood at around 60% of global trade in 2012 (UNCTAD 2013:122). The purpose of slicing the labour process is so that companies can select what parts are carried out where.

The most complex labour cannot yet be easily codified or simply communicated and hence must remain close to where these processes have been developed, in the rich countries. Simple labour can be codified and performed by non-scientific workers. It is this part of the labour process that is offshored to cheap labour locations.

Breaking up production processes into many individual component parts does not necessarily represent a cost saving to capital. Naturally, it adds several

complications and costs in research and development, management, supplies, logistics, quality control, transport, time to market and so on – as many companies now emphasize. It only represents an advantage to capital when the cost saving from fine slicing is greater than the added costs involved. As suggested, the reason many companies were able to save money in this way in the 1990s and 2000s was due to extreme differences in the cost of labour, which have since become less pronounced.

The postwar economic boom was principally concentrated inside the rich countries to the extent that, compared with hyper-globalization, its exploitation of Third World labour was far less thorough. In that sense it had more in common with the current period than with hyper-globalization. That period involved the rollout of what was dubbed the "third industrial revolution" (Mandel 1978: 831) – that is, the development and deployment of semi-automated production systems.

The present trend, though it is far from a boom, more closely approximates automation. An example is renewable energy which has a great cost advantage as it is essentially automatic once installed. In the case of Australia, which currently principally exports raw materials such as iron ore, the transition to renewables is being touted as a national salvation and game changer by large sections of the capitalist class and the liberal wing of the political establishment. Once set up on a massive scale, it is hoped that essentially free renewable energy – that is, free of labour – will allow, for example, large mining companies to not only extract minerals with negligible energy costs but also process their iron ore, alumina, and others on site or close to port and, with a very small, mostly technical and professional, workforce, export an enormous mass of value-added goods.

In the hyper-globalization period, much steel production shifted to China. Part of the reason China was able to compete on steel export markets was due to its cheap energy costs. But when energy is produced in a less labour-intensive manner, as with renewables, the energy cost is hardly influenced by the local cost of labour. This would negate China's advantage from its local labour, which remains cheap compared to countries like Australia.

Australian capital hopes to undermine the current Chinese business model and capture a greater share of the world market for products like steel and aluminium (Garnaut 2019). Automation and mechanization of large-scale Australian mining and mine transportation have already progressed quite far with, for example, remote-controlled mine trucks and rail (Zakaria 2020). In larger centres like the United States, Japan, the United Kingdom and the European Union, the same drive to greater automation can be seen in the manufacturing sector itself (Schneider, Hong and Le 2018).

Still, the extent of the new automation drive should not be exaggerated. The pandemic and prior period have not brought to maturity major new disruptive production techniques besides renewables. And renewables were force-marched to some extent by state policies due to the catastrophic climate emergency humanity is now facing. A different emergency has force-marched the development of RNA vaccines. Overall, however new techniques continue to come on board relatively

slowly as overall rates of investment are subdued (Giles 2019). At least that was the case before the pandemic and during its pre-vaccine period.

Cheap labour, being human and not robotic, has the flexibility and initiative to carry out a whole range of unpredictable, peripheral, production tasks that can't yet be profitably mechanized or for which the scale of investment required for mechanization remains too expensive, impractical or risky. This is another factor mitigating the march towards automation. Another is the effect of automation itself. Just as globalization drove up the labour cost in China, its reverse will tend to pull it down. Insofar as automation creates crises through "neglect", or preventing Third World development, it will tend – via spreading social desperation – to further cheapen labour across the Third World. This can once again pull corporations towards investment in cheap labour globalization.

Further – as outlined – technical progress towards automation involves the mechanization of simple, codified labour processes through the employment of scientific labour. However, technical progress also can and does continue in the direction of simplification, standardization and codification of relatively new, hitherto non-standardized labour processes. That is to say, while automation simply abolishes labour and creates some scientific labour at a certain point, these new techniques become old. The process of competition, the general forward progress and the spread of human scientific knowledge result in the "maturing" of previously new technologies. Labour that was previously highly specialized becomes increasingly standardized. Especially in the context of languishing wages in the Third World, this creates the basis for new waves, mini-waves or currents of outsourcing, "offshoring" or globalization of hitherto little affected aspects of the labour process.

For these reasons – at least from a technical perspective – no long-term determination of the general path towards globalization or its opposite is possible. *If* the rich countries' control of global technological development enables them to invest in highly competitive automated technology, this is potentially the basis to extract better terms in their future dealings with China, Brazil, India, Bangladesh and so on. In that case a new period of imperial economic dominance involving a sustained or even expanded extraction of wealth from the poor countries could be possible – a new wave, or perhaps mini-wave, of imperial prosperity based not, like the last one, on cheap labour hyper-globalization but looking more like the postwar boom.

One factor that does seem important in anticipating the broad parameters of what is possible – at least from a Marxist perspective – is that in Marx's theory human labour creates exchange value (the ultimate source of all profits) while machines don't (Marx 1999: ch.7). A machine can increase the profitability of the individual capitalist that owns it. However, from the point of view of the economy as a whole, by cheapening the value of the goods it produces (because it uses less labour) mechanization and the tendency towards robotization reduce the overall value in circulation. Hence, mechanization must tend to reduce total profits available to global capital as a whole (Marx 1999: ch1).

Marx argues:

> With two coats two men can be clothed, with one coat only one man. Nevertheless, an increased quantity of material wealth may correspond to a simultaneous fall in the magnitude of its value. This antagonistic movement has its origin in the two-fold character of labour. Productive power has reference, of course, only to labour of some useful concrete form, the efficacy of any special productive activity during a given time being dependent on its productiveness. Useful labour becomes, therefore, a more or less abundant source of products, in proportion to the rise or fall of its productiveness. On the other hand, no change in this productiveness affects the labour represented by value. Since productive power is an attribute of the concrete useful forms of labour, of course it can no longer have any bearing on that labour, so soon as we make abstraction from those concrete useful forms. However then productive power may vary, the same labour, exercised during equal periods of time, always yields equal amounts of value. But it will yield, during equal periods of time, different quantities of values in use; more, if the productive power rise, fewer, if it falls. The same change in productive power, which increases the fruitfulness of labour, and, in consequence, the quantity of use values produced by that labour, will diminish the total value of this increased quantity of use values, provided such change shorten the total labour time necessary for their production; and vice versa.
>
> *(Marx 1999: ch1)*

4.6 Conclusion

While neoliberal globalization had its social basis in the "doubling" or massive increase in the size of the global workforce, any new mechanized imperial prosperity would have the opposite basis – reduction in the size, or at least growth rate, of the global labour force. This may be far more unstable, as its social and economic basis would be necessarily narrower.

A renewed imperial stranglehold, if it can be "achieved" would be premised on the wide-scale destruction of capitalist producers in the poor countries whose products are made uncompetitive by new mechanized producers. For this reason, the widespread co-option, cooperation of capitalists from the poor countries and rapid expansion of Third World middle classes that occurred during the neoliberal project would also have a much narrower social basis. Any new period of this type would base its profitability in their relative exclusion and destruction.

Hence, we might expect some of the features of Third World politics that existed prior to the neoliberal period – such as semi-permanent political crises, widespread revolutionary mass movements and wars – to re-emerge at least to some extent or in some contemporary form.

Of course, 70 years later, key features that shaped the postwar period are not present today. However, one parallel, though it may be a superficial one, is the

virtual declaration by the United States and its allies of what is increasingly being referred to as a new "Cold War" against China.

The anti-China tirades by Biden, Trump and countless others are usually understood as reflective of China's increasing threat to displace US dominance. Against this, the earlier outline – of trend towards relatively decreasing dependence by the Unites States and other rich countries on Chinese labour – suggests part of an alternative explanation. Biden and his co-thinkers may increasingly feel the need and ability to control China as the interests of capitalist development in China and the United States and other rich countries increasingly fall out of alignment and "hyper-globalization" passes.

During the original Cold War, the profitability of capital in the rich countries allowed working people living in those societies prior to neoliberalism to demand and win considerable social advances. If it is the case that the United States and other rich countries maintain their stranglehold over the global labour process and a new type of Cold War continues to transpire, this might offer considerable opportunities for increasing incomes in all of the rich countries.

In that context, gig economy workers of the rich countries, if they can organize, may be able to win wages and conditions that at least partially converge with the conditions of other First World workers. As suggested earlier, workers reliant on selling their unskilled or low-skilled labour have a far weaker bargaining position than highly skilled and scientific labour. No doubt this distinction permeates gig workers inside the rich countries. For gig workers and almost all workers of the global South, an end to brutal exploitation might require more protracted and complex struggles.

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5

GLOBAL SUPPLY CHAINS IN THE GIG ECONOMY

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5.1 The Gig Economy and New Work Arrangements and Occupations

Although the gig economy is often presented as a new and Western phenomenon, in many facets it is, in fact, very similar to the home-based, informal economy that has prevailed in non-Western countries for a long time, particularly among women workers. As a part of capitalism, it is not only gig work in the West that is increasing but also the home-based work of women in "developing countries". An advancing globalized economy is ever more reliant on gig workers, whether these workers are labelled "gig" workers in the global North or "informal" or "home-based" workers in the global South. The home-based informal economy in the South is also changing as capitalism changes, but little attention has been paid to the home-based work of women in the global South as part of gig economy discussions and little thought has been given to what kinds of reforms or restructuring could benefit them, as distinct from other kinds of gig workers. No one has asked these women what they need or want because they are not thought of as being part of the gig economy. However, we cannot understand global gig economics without including the home-based informal work of women as part of our picture. We must broaden our scope of analysis to include the gig workers of the global South.

When we discuss the form, level, quality and size of recent work profiles, we must especially take the fact into account that new phenomena appear continuously due to new technological opportunities. From this perspective, a technological revolution centred on information and communication technologies, commonly called digitalization, has reshaped and is still reshaping the foundations of our society.

The ambivalent phase of ongoing developments points to increased complexities in several domains of the economic working sphere. The history of economic

DOI: 10.4324/9781003351764-6

and social thought shows how diverse and changing phenomena of complexity have been interpreted (Colander 2000) and how various links between different spheres of the economy and society are neglected (Bögenhold 2021b). Studies researching the positive and negative impacts of the digitalization process on (new) work arrangements within the landscape of labour are manifold. The whole system of the societal configuration of employment relations and work is in a state of constant change and reconfiguration (Kalleberg & Marsden 2015).

Scanning recent discussions about the nature of labour, it becomes evident that too often the general changing contours of work are overlooked. A great heterogeneity and variety within wage- and salary-dependent work must be acknowledged, according to qualifications, earnings, working profiles and working times. The boundaries between dependent work and self-employment are also blurred. Consequently, a variety of different forms of work behaviour and social security can be found in relation to different economic and social status groups.

The landscape of labour and occupations has become much more complex than ever before. On the biographical level of individual actors, we find that the classic idea of one job or occupation lasting a lifetime has become increasingly obsolete. People speak about the need for lifelong learning; very often individuals pursue non-linear careers and end up in quite a different field than where they started their professional careers. Sometimes, people do not find jobs relating to their training or education and do completely different tasks, or they take on new challenges or combine different jobs simultaneously or sequentially. The contents of occupations and their categories are characterized by fuzziness.

The multitude of different terms used in academic research as well as in public discourse to describe (new) forms of work arrangements, the gig economy and the associated types of workers in a digital economy and society (McKeown 2015) reflects the complexity and diversity of the phenomenon under investigation. Terms like "independent contractors", "sole traders", "own-account workers", "freelancers", "independent professionals", "agency workers", "on-call workers", "moonlighters", "allrounders", "crowdworkers" or "coworkers" refer to new types of workers and their work arrangements, which mostly elude traditional (self) employment distinctions. In this "jungle" of legal terminology (Knapp et al. 2021), statistical categories and self-description or third-party labels, it is difficult to keep track of the terms used to characterize these types of self-employed workers and their work arrangements.

In this chapter, we want to point out that the term "gig economy" is mostly used to address phenomena associated with new forms of flexible and destandardized labour in Western countries (Tirapani and Willmott 2022; Shvetsova 2022), often with shrinking social security and certainty. It is less frequently acknowledged that the gig economy is also linked with developing countries and the system of global economic trade and production. An investigation of global social inequalities reveals strong interdependencies between production and living conditions in peripheral world regions and industrial centres of capitalist economies and trade in Western regions. A huge proportion of economic activity in less developed

countries is carried out on behalf of established brand companies in Europe and North America. Low wages, hazardous work and unhealthy living conditions in the countries of production allow the West to consume many forms of food, textiles and other everyday products.

Production, trade and transport are parts of international cooperation and working relations which are designed as just-in-time processes where everything is a small cog in a large wheel. Should one element stop working properly, the whole system of economic and social interaction is threatened. Even car manufacturers are in danger of not being able to deliver new cars if a single component is missing. Surprising and non-intended consequences of specific disorders and problems exemplify the dynamic interrelations of the modern global economy: where parts of the whole world are related to each other, one element has an effect on others, and vice versa. The world society and the world economy must be viewed as complex systems of reciprocal interactions.

Problems with global supply chains can illustrate the need to think in interlacing modes and to learn to understand the limits of mono-disciplinary approaches. If everything affects everything else, no single academic take, in the classic division between individual disciplines and their limited competencies, will suffice. The link between interdependencies in international cooperation, the fragility and vulnerability of global supply chains and, of course, the limitations of our intellectual order of thought, which often ignores the need for thinking out of the box, need to be explored. Processes of globalization can only be seen and analysed through multiple lenses which combine approaches from different disciplines. Naz and Bögenhold (2020) have shown how production processes in developing countries are related to Western companies and the everyday consumption processes of individuals who do not care about the production processes of goods supplied by distant regions on different continents.

5.2 Neglected Links Between the Gig Economy and Global Production Networks

Global production networks (GPNs) are dynamic in nature and include a wide range of actors with diverse interests and priorities who occupy different places in the hierarchy of power relations that characterize them. These power relations are not unidirectional, involving as they do both vertical and horizontal network relations. Vertical relations refer to the power relation between buyers and suppliers, whereas horizontal network relations range from formal rules and regulations to informal norms (Lund-Thomsen and Lindgreen, 2018). Yeung and Coe (2015) define a GPN as "an organizational arrangement comprising interconnected economic and non-economic actors coordinated by a global lead firm and producing goods or services across multiple geographical locations for worldwide markets" (p. 3).

Despite the current popularity of the GPN approach, there is empirical evidence which suggests that the gendered priorities of female workers (Bögenhold 2021a)

have been largely ignored in global supply chains, with few exceptions. Although there is a theoretical consensus that business organizations should be held accountable for any of their actions which affect people, communities and the environment in which these people or communities live (Amoako 2016), little empirical and analytical attention has been paid to the informal labourers employed at the tail end of GPNs in the context of global standards or codes of conduct (Barrientos & Smith 2007; Carswell & De Neve 2013). In developing countries, due to the overwhelmingly large proportion of the informal economy and a lack of legal coverage for informal workers, the implementation of labour standards is mostly limited to the formal labour force, and the vast majority of the informal labour force has experienced little or no change in their working conditions (De Neve 2014).

In order to address these issues, the literature needs to redress this imbalance of perspective through active engagement with the diverse social environments in which the female labour force participates in the global South. The emphasis of the GPN approach on a broader network of actors, including nation states, international organizations, trade unions, NGOs and communities, provides space to conceptualize and empirically investigate how and under what conditions informal home-based workers are embedded and engage in GPNs. These wider networks play an important role in determining what is produced where, when, in what quantity and at what price in GPNs (Lund-Thomsen & Coe 2015; Lund-Thomsen et al. 2016). Both formal and informal institutional processes have to be taken into account when analysing the gains or losses accruing to home workers from restructuring GPNs, including the kind of restructuring that is the outcome of implementing policies conceived of and designed by Western-based multinational enterprises operating in the South through extended GPNs. It is also important to give due attention to both horizontal and vertical relations in GPNs. GPNs are an extensive theoretical apparatus that may help to explain the evolutionary dynamics of labour processes.

Although existing GPN approaches do not acknowledge home workers (Delaney et al. 2016), it is clear that the categorical omission of home workers in studies on GPNs is no longer legitimate, as they are important stakeholders and no longer invisible. The vertical dimension of the GPN analysis reflects how internationally branded firms play a role in determining the terms of GPN participation for local firms, contractors and workers (Newsome et al. 2015). This holds true for transnational corporate policies and practices that are translated into and interpreted within gendered national contexts where they are embedded in social networks, business associations and political structures.

Our research on home-based work in the garment industry in Pakistan highlights the close affinity between the gig economy and home-based work performed by women in developing countries. Home-based work is not a new phenomenon. However, the numerous kinds of home-based work that gained impetus after the adoption of the Washington Consensus in the form of liberalization, privatization and de-regulation policies by many developing countries cannot be considered as the continuation of tradition (Chen 2014). Instead, they are more heterogeneous

in nature, ranging from labour-intensive semi-skilled work to high-tech capital- and information-intensive professional work, with great diversity in terms of the working conditions experienced by the different groups of home-based workers.

The term "home-based work" is very broad, and it is difficult to narrow down due to the lack of consensus on one single definition of the term. However, the general definition of home-based work is that it includes all kinds of remunerative work carried out inside the home and encompasses the self-employed, piece workers, salaried employees who work for a "middle-man" or a firm, or even unpaid workers in a family enterprise. Home-based workers do wage labour inside or near the house, while home workers are a sub-category of home-based workers who work from the home for factories, mostly on piece rates. Largely they are involved in industrial outwork. The majority of working women in developing countries are home workers. Economic deprivation forces them to seek wage labour, but often they cannot find regular paid work and instead work on low piece rates or for low daily pay under exploitative conditions without any job security, a formal contract or any fringe benefits. They have to cover some production costs themselves, such as the actual work place, equipment, energy and utility costs (Mehrotra and Biggeri 2007). Home workers are individuals who are not willing or able to work outside the home for various reasons. There are three different categories of such individuals confined to the private sphere of the home: women who bear the reproductive burden and are responsible for care work inside the house; disabled individuals; and those who have difficulty entering the labour force due to legal constraints, discrimination or information asymmetries.

Existing literature also supports the idea that women's share of industrial employment has increased dramatically over the last two decades because of pressure to create a new industrial division of labour using flexible forms of production (Chen 2014). Women workers were considered the ideal workforce for such jobs due to commonly held notions about their docility, submissiveness and dexterity when performing monotonous tasks for low wages under flexible arrangements (Chhachhi 2006). Thus, there was an increase in demand for an unskilled and flexible female labour force. Numerous studies have found a close relationship between trade liberalization in developing countries and female employment (Kurian 2006).

Increased female participation in the informal economy, and particularly within the private sphere of the household, has redefined the boundaries of work and traditional employment. This expansion in the informal sector is linked not only to the capacity of formal firms to absorb labour but also to their willingness to do so (Mehrotra & Biggeri 2007). A trend towards outsourcing work at the household level has added a layer of invisibility to the economic contribution of home workers. In the case of home work the boundaries of work have been renegotiated between the private sphere of the home and the public sphere of work. As the private realm of the home is increasingly a site of production and consumption for the global economy, traditional forms of industrial relations practice are diminishing. Home work is a unique blend of private household and public enterprise production. However, often home work that takes place in family workshops and

on kitchen tables is not legally acknowledged and tends to represent an invisible and unprotected workspace.

Much of the existing literature on the gig economy primarily focuses on comparisons between gig work and other standard employment relationships (Flanagan 2019). Despite the fact that global supply chains capitalize on the women labour force as a central part of their competitive strategies, the priorities and perspectives of women workers are not incorporated in existing labour market policies and practices. This is particularly important in the context of the global South where public provision for the social reproduction of labour such as income support, child benefits, general health support and access to free education is either poor or non-existent. So the cost of social reproduction of labour has to be covered privately. However, to date, debate on the implications of home-based work for women workers has been narrowly focused on the experiences of women in the production process, and the broader issues of social reproduction have failed to be given due space in these discussions. A tremendous amount of familial and communitarian work is required to produce workers (Bhattacharya 2017). Consequently, social reproduction is invisible not only in classical mainstream economic theory but also in dominant policy discourse.

5.3 Home-Based Workers in GPNs: A Case Study of the Garment Industry in Pakistan

Many laypeople fail to see GPNs as being an integral part of a global gig economy without borders. The focus here is on an analysis of the garment industry in a regional district of Pakistan where final products end up on the mass consumer markets of Western brands. It underlines that the gig economy is not a separate phenomenon in specific Western countries but rather an integral part of the global capitalist world system where everything is interlinked but is based upon different power sources. Production in buyer-driven garment supply chains is mostly labour intensive and located on the periphery due to the availability of a cheap labour force in these countries, whereas high-value activities like designing and marketing are controlled by the core countries. As "gatekeepers" to the consumers, brand name companies have the power to dictate their rules to suppliers and producers down the chain (Gereffi et al. 1994; Oxfam 2004). Technological advancements also facilitate the control of retailers and brand name companies on producers. For example, the introduction of an electronic data interchange (EDI) system enables retailers to track consumer purchases through barcodes. This helps them to improve their flexibility by placing "just-in-time" orders and reduce inventory costs by transferring risks to the manufacturer to supply orders in a limited time frame (Oxfam 2004).

Thus, the relative position of a country in the world economy, based on its comparative advantages, determines the share of that country in the production process. Peripheral countries have the advantage of a cheap labour force; however, this is a "lower order" advantage (Porter 1990 cited in Gereffi et al. 1994). The garment

industry has a buyer-driven system of governance. There is intense competition between producers that is driving down prices on the international market because sourcing companies are in a position to switch factories or countries for a small reduction in price (Oxfam 2004).

Brand name companies and retailers further protect their profits by demanding high-quality, low-priced products from their suppliers at short notice. Six to eight fashion seasons per year have become the norm on Western markets, and that has put growing time pressure on the producers (Ibid.). This pressure is ultimately translated into pressure on the workforce in the form of unpaid overtime and sub-contracting or outsourcing (ILO 2011). A large number of the women doing industrial home work are integrated into the closely knit local/global supply chains. Although not much data are available about home-based workers due to their invisibility, approximately 30–80% of all home-based workers and 80% of industrial out-workers are women located at the lowest nodes of global supply chains (Mehrotra & Biggeri 2007).

5.4 How the Gig Economy Affects the Division of Work in Individual Societies but also Global Supply Chains and Female Workers Globally

The extremely rapid growth of the garment export industry in Lahore, Pakistan, during the past few decades has opened new income-earning opportunities for poor women in Lahore and its surrounding villages where agriculture is no longer able to provide a livelihood for the entire village population. The growing trend of outsourcing through sub-contracting processes in the garment industry helped women with limited or no marketable skills to earn some cash income to supplement their family needs within the private sphere of home. This research was started on the assumption that women involvement in wage labour through industrial home work must have helped them to reduce the strong patriarchal control that largely characterizes Pakistani society. However, this optimism was not borne out after exploring the day-to-day realities of female home workers in the garment supply chains in Pakistan, which are extremely tough in terms of living conditions, mortality levels, illness and an insecure livelihood.

In the context of Pakistan, industrial home work that is carried out in the private sphere is considered an activity for women. The feminization of industrial work contributes towards its marginalization in production relations. In order to earn additional income for the family, female home workers utilize the traditional skills and crafts that are learned as part of their gender role socialization. A majority of the women are engaged in embroidery and stitching, both of which are considered a natural talent or skill for the women, learned informally during childhood as part of their future role in socialization to meet the reproductive needs of their families. Most women could not undergo formal training due to the absence of supportive mechanisms and facilities in the vicinity of where they live. In fact, only four out of the 50 respondents underwent some sort of training at a

later stage. For female home workers, their work is an extension of their unpaid household work and their assumed roles as care-takers responsible for their family's welfare. The naturalization of these skills as part of gender role training devalues them rather than elevating the work to the status of a valuable professional activity.

Such perceptions of women's traditional skills influence opinions about their home work as a secondary activity held by the family and workers themselves. Gender ideologies are so deeply ingrained in society that even when women contribute a substantial amount to the family budget, their participation in paid work fails to bring about any substantial change in the existing gendered division of labour in the household. They have to devise their own strategies to maintain the balance between their paid and unpaid reproductive work. It is of great concern that production by the home workers mainly involves the unpaid labour of other female family members, mostly the elder daughters, which undermines the potential of these young girls and is a violation of their right to education. One of the interviewees, Nabila, describes her situation thus:

> I have been working for the last four years. I took up this work because my husband is an addict and does not take care of my children and me. I spend the entire day on this work. My elder daughter looks after the household chores. I am very thankful to my agent who provides me with work that enables me to run my household expenditure with dignity.

The in-depth interviews revealed that the vast majority of garment industry home workers belong to the lowest economic stratum of Pakistani society. It was established from the individual responses of female home workers that the earnings of one male family member was not sufficient to meet the family's basic subsistence needs. The majority of female home workers live in tiny two- or one-room houses where the living conditions are very overcrowded and where there is almost nothing in terms of amenities or facilities nearby. Poor hygiene and ventilation are problems for all home workers and their families. On average, with three earning members per family, the labour of young children is involved as well as that of adults. The average family size is large for the accommodation, which must also become a workspace for the women home workers. It is clear that for such women, the additional income earned is not empowering but a reflection of their greater responsibilities in ensuring that the reproduction needs of their family members are met on as sustained a basis as possible.

One person's income is not sufficient to provide for the family needs in this stratum of the population. Therefore, children are withdrawn from school to share the economic burden of their families. Young boys are withdrawn to work as casual labourers or as unpaid family helpers with their fathers. Girls are withdrawn for poverty-related reasons and are expected to share the housework from an early age. Girls as young as six or seven shoulder the responsibilities of their mothers and also contribute to home working with their mothers. This reflects the urgency of having more earning hands to meet the family's basic subsistence

needs. Adverse macroeconomic conditions thus affect family relationships and the economic choices of women in home working or other forms of work.

In the cultural context of Pakistan, women's seclusion still stands for family propriety, in spite of these dramatic economic changes in social structure, and their seclusion continues to symbolize hegemonic masculine identities. Women are not encouraged to work in the public sphere except in segregated occupations. For the middle and lower middle classes, women working in the public sphere in male-dominated occupations are stigmatized. Women are thus encouraged to work inside the home, where their paid work is effectively disguised as an extension of their housework and devalued in the private sphere of the household as such work undermines the ideological expectations of the 'male provider' as bring able to support and sustain the family.

The concealment of female home work within the private sphere of the household has serious implications for their labour rights entitlements and other human rights. Female home workers are denied the recognition of being a worker. They carry the double burden without any recognition and improvement in their life situation. They spend, on average, ten hours a day on their paid and unpaid work and yet are denied any social protection. The only positive change that is reflected in their responses is that it helps them to earn some money for their families that gives them a sense of pride and self-worth. They gain the confidence that they can work to take their families out of economic stress. However, in the process they are carrying the unequal burden of work. Although they are aware of their exploitation by intermediaries, they are not in a position to search for better options under strong patriarchal norms and the existing opportunity structure of society. However, the conditions under which they are incorporated in the wage labour process are matters of great concern from the perspectives of human rights in general and labour rights in particular (Beddewela & Fairbrass 2015; Blowfield 2007). The urgency of their needs and cultural norms should not be used as a justification for their exploitation, neither in the public nor in the private sphere. Another interviewee, Bushra (in-depth interview) states:

> My eyesight has been adversely affected due to long hours of work over the last few years. I was operated on last year and have to wear glasses while working. Whom should I hold responsible for my miseries and plights? I am not a regular employee, as I do not get work regularly and work for many agents. Why should the agent provide for my health expenditures?

Research on social inequalities and occupational segmentation must increasingly be done on a transnational scale; too complex (Radej & Golobič 2021) are the diverse international dependencies and practical implications of globalization. Company structures and job relations are small elements in the global circumstances of complexity (Sun et al. 2021). Gig economy research investigates elements of precarity and vulnerability which are surely identifiable all over the world as pieces in the finicky puzzle of the capitalist world economy.

5.5 Conclusion

The gig economy as a research topic came up first in the United States about 10 years ago. Our chapter wants to argue that many gig economy phenomena also apply to workers involved in global supply chains. Much of the gig economy is linked to digital labour platforms (Graham et al. 2017; Heiland 2021). Last but not least, even on continents other than North America, the gig economy can be observed when working between zones of flexibility, precarity and vulnerability (Anwar & Graham 2021; Wood et al. 2019). In particular, global supply chains show how far digitalization is already part of the smallest of local communities in peripheral regions of the globe. However, scanning the discussion and literature reviews of gig work (Caza et al. 2021) reveals that gig work is almost always concerned with Western societies and the economies of the developing world are ignored when reasoning about those phenomena. Nevertheless, the same working conditions which qualify as being "gig" are found so often and very prominently in many non-Western countries but under different labels. It is one of the "globalization paradoxes" (Rodrik 2011) that economic and social development does not run in a linear way but that the same developments appear in different countries under different labels and always include both good and bad points, showing several forms of discontent (Stiglitz 2002).

The capitalist world economy is a complex system of reciprocal economic and social interactions. Talking about the bright and dark sides of human beings in capitalism oscillates according to the different lenses through which we look at diverse issues. The conventional classification of a first, second and third world has some empirical evidence but does not allow for inequalities within individual countries. Of course, for an individual human being, the place where they were born is crucial for all further life chances. As a member of a rich(er) country, people have a citizen premium, while those from poor(er) countries suffer a citizen penalty. As Milanovic (2019, p. 129) explains,

> [c]itizenship premium (or citizenship rent; the terms are used interchangeably) . . . refers to the boost in income one receives simply from being a citizen of a rich country, while citizenship penalty is the reduction in income from being a citizen of a poor country.

Despite these facts, it is essential not to ignore the enormous differences in life chances for individuals in either category of country, whether richer or poorer. We may find people doing occasional work and living in precarious conditions in rich and poor countries alike. Talking about a gig economy may suggest that it includes primarily lower-strata members in Western (advanced) countries. From an international perspective, however, it can soon be discovered that those "gig working conditions" exist much more frequently in less developed countries as well, especially at the ends of global supply chains with individuals working on commission for multinational companies based in highly industrialized countries. "Gig" seems

to be a buzz word for less standardized, vulnerable and often precarious forms of working and living which must be explored and spelled out further and more systematically. Discussing a "gig economy" implies talking about a permanent process of dealing with diverse zones of inequalities between regions, countries and, of course, individual people and their families.

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PART II

Labour Restructuring and Platform Work

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6

THRIVING SMALL-SCALE ENTREPRENEURS OR PRECARIOUS OWN-ACCOUNT WORKERS?

Concepts and Politics of Informal Work Since the 1970s

Sibylle Marti

6.1 Introduction

The gig economy has been a much-covered topic in business and news media in recent years. Numerous books and guides promote working in the gig economy, telling people how to "thrive" in this "new world of work" (e.g., McGovern 2017; Mulcahy 2017; Mizrahi 2018). In this business advice literature, the gig economy is praised to offer better, more self-determined, and more flexible work, with everyone acting as entrepreneurs of themselves. Such visions depict the gig economy as a new, prosperous, freer (labour) market beyond the formal economy, commonly associated with the triumph of new information technologies and the digitalization of the economy since the turn of the millennium. Often overlooked is the fact that these visions are not as new as their promotors pretend. They draw at least just as much on older, positive notions about informal work and the informal economy, respectively, which have circulated among politics, science, and the media since the concept of the informal sector was invented at the beginning of the 1970s. Thus, in order to shed light on the roots of current debates about the economic and social potential of the gig economy, it is illuminating to take a longer historical perspective by analysing concepts and politics of informal work since the 1970s.

Informal work can be defined as a (usually) gainful work activity which in terms of legal regulation, material welfare, and occupational integration falls behind norms or ideals of standard employment or formal labour, respectively. Informal work, therefore, often goes hand in hand with low incomes, limited protection through labour laws and social security, and minimal collective organization. Non-regulation, however, is commonly referred to as the main feature of informal work (Mayer-Ahuja 2017: 268–269).

DOI: 10.4324/9781003351764-8

Given that definition, platform work is a prime example of informal work. This is not to say that the gig economy does not per se provide the possibility for good jobs, economic prosperity, and innovative entrepreneurship. But critics like Colin Crouch point to the fact that most of the platform workers are facing precariousness as they are so-called workers on their own account (2019: 77–78). They usually perform low-skilled, low-paid activities rather than being successful entrepreneurs. Crouch attributes this precariousness to the lack of freedom and security which, in his view, dominates platform work. For him, in the gig economy, the asymmetry of power between employers and employees is rather enforced than diminished because of, first and foremost, missing labour laws (2019: 12–42). Consequently, he argues that for the majority of the own-account workers the envisioned entrepreneurial freedom and possible material well-being remain a myth because they are stuck in low-income jobs with harsh, substandard working conditions. Current appraisals of the gig economy, in short, ambiguously oscillate between highlighting the gig entrepreneurs' flexibility and prosperity and the own-account workers' precarity and exploitation. Similar lines of argument, however, have already shaped and structured the earlier discussions about the informal sector. The chapter will highlight in which ways this ambiguity has run through to recent debates about the gig economy.

In what follows, the chapter will examine the concepts and politics of informal work from the 1970s to the present, pursuing a twofold aim. First, it will cover the most important developments concerning the changing scientific notions and political perceptions of informal work. Second, and woven into this historical perspective, the chapter will provide an overview of crucial empirical findings and conceptual frameworks about the informal economy that have shaped both academic research and political discussions.

The starting point for the analysis are the years around 1970 when the term of the informal sector was coined and popularized in the context of development studies and the International Labour Organization's (ILO) World Employment Programme. In the decades to follow, the ILO and other international organizations like the Organization for Economic Cooperation and Development (OECD), the International Monetary Fund (IMF), and the World Bank became prime sites for producing research on the informal sector. Besides the realm of knowledge production, they also advanced standard setting as they promoted endeavours to define and measure the informal economy. Referencing some of the most widely discussed reports and policies, the chapter will examine, in chronological order, key conceptual and political debates about informal work, focusing on both the global South and the global North.

The chapter will argue that in the long run, the rather positive notions regarding the economic and social potential of the informal sector that dominated, in particular, the ILO's early activities have changed quite to the contrary – albeit without being able to hinder the global spread of informal work from the 1980s onwards. Recent policies that aim at a transition of the informal to the formal

economy have had limited success so far. Moreover, in the twenty-first century, the ongoing informalization of work across the globe has not proved to be a stumbling block for new visions like the gig economy to attract similar economic and social hopes like those that have previously been attributed to the informal sector.

6.2 The Invention of the Informal Sector in the Global South

The concept of the informal sector emerged at the beginning of the 1970s within development studies and, in particular, the ILO's World Employment Programme (Bangasser 2000; McNeill 2004; Benanav 2019; Marti 2019). The term was coined by the social anthropologist Keith Hart (1970, 1973) but became widely known through the so-called Kenya report, a mission report of the World Employment Programme (ILO 1972). Against the backdrop of the crisis of development economics, which had not been able to reduce global inequality, some development researchers began to take up an "unorthodox" view towards the problem of poverty and employment in development countries. This new perspective no longer emphasized the lack of (formal) employment to be the biggest stumbling block for development but focused on the potential of the informal sector instead (Shaw 2002: 160).

Keith Hart developed the concept of the informal sector out of his field research in Ghana. For him, the informal sector consisted of numerous "small-scale entrepreneurs" who lived mainly in urban areas and provided services in trade, transport, housing, home-manufacturing, banking, insurance, shipping, and the like (Hart 1970: title, 105–106). Hart criticized development economists for having overlooked these essential economic activities so far due to Western-centric stereotypes because they were, in his opinion, "preoccupied with the problems of 'firms' and 'businessmen', while tending to ignore the activities of those who currently perform the entrepreneurial function in Ghana" (1970: 104). Consequently, he argued that the focus of development planning had been misleading as, in his view, the issue to address was the ignorance of the prevailing and vital type of (informal) work rather than the problem of under- or unemployment. Hart, thus, pledged to render visible what he called "informal income opportunities", which had been neglected as well as underestimated (1973: title).

Hans W. Singer and Richard Jolly who co-directed the Kenya mission took up Hart's concept in their ILO report. Aiming at reducing poverty, they emphasized that the informal sector could function as "a sector of thriving economic activity and a source of Kenya's future wealth". In their view, many work activities in the informal sector, "far from being only marginally productive", were actually "economically efficient and profit-making" (ILO 1972: 5). Their Kenya report further stressed that enterprises and individuals in the informal sector operated "largely outside the system of government benefits and regulation", with the consequence that the respective economic activities were, from a legal point of view, illegal because of an "official limitation of access to legitimate activity" (ILO 1972: 504).

Thus, the criteria of non-regulation that has become the major characteristic to define informal sector activities already played a crucial role in the Kenya report.

As a result, in their ILO report, Singer and Jolly criticized current regulations and, in particular, the restrictive system of trade and commercial licencing and pledged to eliminate most of the existing licences. At the same time, they also suggested that the Kenyan government should invest in the informal sector either by purchasing services directly or by inducing firms to subcontract labour-intensive processes such as repair, transport, and construction to entrepreneurs in the informal sector (ILO 1972: 228–230). Thus, their policy recommendations consisted of a mixture that comprises claims both for deregulation and liberalization and for state investments and subsidies. It is remarkable that Singer and Jolly, as trained Keynesian economists, likewise embraced measures that later were deemed as cornerstones of neoliberal politics (Benanav 2019: 119; Marti 2019: 401).

In sum, Hart, Singer, and Jolly who invented and proliferated, respectively, the concept of the informal sector emphasized both the informal sector's overlooked productivity and efficiency that was linked to the idea of informal workers as small-scale entrepreneurs and the informal workers' limited entrepreneurial freedom due to state restrictions and missing government support. Although not being overly enthusiastic, they nevertheless highlighted the informal sector's social and economic potential as they depicted it, under favourable political conditions, as a promising force for poverty reduction rather than simply as an employment sector of last resort.

The ILO's Kenya report from 1972 proved to be seminal. It became the World Employment Programme's most cited country report and, with around 20,000 copies, one of the most-quoted publications on development (planning) in the 1970s (Shaw 2002: 168). The promotion through the Kenya report was quintessential for the global circulation of the concept of the informal sector. Since the Kenya mission in the early 1970s, numerous programmes and projects from international organizations, government agencies, NGOs, and research institutes in all parts of the world have been conducted, ranging from research and statistics to advisory services and technical cooperation. The result has been an immense output of books, articles, studies, and reports, documented in various bibliographies (e.g., ILO 1991a; PREALC 1991; ILO 1992a) and literature reviews (e.g., Gërxhani 2004; Henry/Sills 2006).

The rather positive view that dominated, most notably, the ILO's early endeavours concerning the informal sector was related to the assumption that the informal and the formal economy were, basically, two separate economic spheres. In this dualist framework, informal workers were seen as self-employed or small-scale entrepreneurs, being mainly engaged in their own-account economic activities and not competing with workers in the formal economy. This conceptualization of the informal sector, however, has faced criticism right from the beginning. Critics have mainly rejected the idea of a dichotomy of the two economic spheres. They have stressed the interactions and interdependencies between the informal and the formal economy in terms of production systems and have pointed to the

fragmentation of the entire labour market as well as to the heterogeneity of the informal sector activities. Furthermore, they have argued that informal workers, rather than being self-employed entrepreneurs, frequently are the exploited labour force of a globally competing capitalism in search of always cheaper and more flexible labour. Instead of depicting the informal sector as a distinct economic sphere, they thus have emphasized informality (as a condition) and informalization (as a process) affecting the economy as a whole and have also highlighted the vulnerability of informal workers in increasingly segmented labour markets (e.g., Leys 1973; Breman 1976; Portes/Castells 1989).

These two strands of differing theoretical viewpoints, also referred to as the "dualist" and the "structuralist" perspective, have likewise marked the debates about the informal sector in feminist economics. Feminists supporting the dualist view have pointed to the importance of women's informal sector activities for their families' income, often generated in addition to their reproductive work. Feminists backing the structuralist perspective have stressed the vulnerability of women workers employed in the informal sector, in terms of impediments, exploitation, and occupational segregation and discrimination (Bernasek 1999).

In the current state of research, the dualist view is largely viewed to be outdated. Rather, it is underlined that "[i]nformality and employment do not preclude each other" (Mayer-Ahuja 2018: 258). In fact, many people work simultaneously in the informal and the formal economy, the informal and formal economy are intertwined as global production and value chains frequently rely on labour in both spheres, and the formal economy is also permeated by informal working conditions. In the 1980s, however, dualist framings of the economy did not only influence the perception of informal economic activities in industrialized countries but also informed neoliberal labour market policies that were gaining ground around the globe.

6.3 Informal Economies in the Global North and the Rise of Structural Adjustment Policies

At the end of the 1970s and the beginning of the 1980s, the informal economy was a prominent theme in politics, the media, and the social sciences around the globe (Lauschmann 1983). Against the backdrop of the crisis of industrial societies, manifesting itself, first and foremost, in high unemployment rates, scientific studies claiming that the informal economy had been rapidly growing since the 1960s raised special awareness in Western industrial countries (e.g., De Grazia 1980; Tanzi 1980). Thus, not only in developing, but also in industrial and socialist (e.g., Grossmann 1977) countries, the range of activities related to the attempts to measure the size of and the conditions of growth of the informal economy were widely and controversially discussed. Consequently, international organizations like the ILO, the OECD, and the IMF conducted and published research and organized and hosted workshops on the topic. In 1982, the First World Conference on the Informal Economy entitled "The Informal Economy: Social Conflicts and

the Future of Industrial Societies" took place in Rome (Ferman/Henry/Hoyman 1987: 11–2).

For the informal economy in the global North, a variety of different notions with distinct semantic connotations coexisted and were often used interchangeably. Apart from "informal", for instance, the terms "irregular", "underground", or "hidden" economy were prevalent in English (Ferman/Henry/Hoyman 1987: 11). Economists and social scientists subsumed quite diverse activities and occupations under these terms. Many authors, however, divided the informal economy in profit-oriented activities, moonlighting being a prime example; private household and do-it-yourself activities; and non-profit activities like neighbourly help or other services provided by self-help groups and social networks (Streit 1984: 110).

The central claim that informal economic activities were, to a great extent, non-regulated and non-registered and, thus, not featured in national accounts served as an important link to connect debates about informal economies in development countries with those about underground economies in industrialized countries (Charmes 1990: 15). Endeavours to measure the size of the hidden or informal economy expressed as a percentage of a country's GNP or GDP, respectively, became a booming field of economic research (e.g., Gutmann 1977; Feige 1979; Blades 1982; Tanzi 1982; Feige 1989). These economic studies not only stressed the avoidance of tax revenues and social security contributions through underground and moonlighting activities but were also afraid that, as a prominent scholar put it, "the macroeconomic judgments currently made by economists must of necessity be wrong", because all the informal economic activities did not feature in the national income statistics (Feige 1979: 5).

It is illuminating to look where the main causes for the growing informal economies in the global North were located. As I have outlined elsewhere, advocates of supply-side, neoliberal economic policies maintained a clear line of argument (Marti 2022). Referring, basically, to a dualist idea of the economy, too, they saw the principal reason in a state that was too interventionist, forcing its citizens to retreat in the hidden economy because of too many regulations and taxes. In their view, the growing shadow economies pointed to some fundamental lack of entrepreneurial freedom caused by the existing, overburdening tax and welfare state. This unfreedom was only to be effectively countered with a cutback of regulatory obstacles and decreasing tax burdens – that is, a flexibilization and deregulation of the labour market. In this respect, the hidden economy, which in many respects was depicted to be freer and sometimes even more efficient than the formal economy, served as an argument to make plausible and disseminate a discourse of societal and economic crisis that should help to spread the neoliberal advocates' political agenda.

The neoliberal advocates' claim that more freedom and flexibilization in the formal economy would reduce the incentive to work in the hidden or informal economy, however, was empirically disputed. In 1986, a technical report of the OECD on the Flexibility in the Labour Market, among others, also investigated the connection between (long-term) unemployment, occupation as concealed

employment and flexibilization. It came to the conclusion that only the better qualified working in the hidden economy would benefit from flexibilization in the formal economy because being freer and more flexible was a central incentive for them to work in the hidden economy. The less qualified, by contrast, would not profit as they often lacked the skills for a job in the formal economy, in particular, in those industries that suffered from a shortage of skilled workers. Therefore, the OECD's technical report described concealed employment as a form of "perverse flexibility" (1986a: 131). The so-called High-Level Group of Experts under the chairmanship of Ralf Dahrendorf that in 1986 also prepared a report on labour market flexibility for the OECD likewise thought that the emergence of secondary (informal) labour markets was not fostering the type of individual and societal flexibility the OECD was looking for (OECD 1986b). Nevertheless, during the 1980s, neoliberal advocates continuously repeated the narrative of lacking flexibility and restricted entrepreneurial freedom as the causes for the growth of the hidden economies in Western industrial countries. This argument, in turn, furthered claims in favour to advance neoliberal labour (market) policies.

Advocates of neoliberalism were not the only actors that used the hidden economy to promote their political ideologies. Promoters of alternative informal economies, adopting a dualist perspective as well, likewise regarded the informal economy to provide some freedom and individual fulfilment lacking in the formal economy. In contrast to the neoliberals' line of thinking, however, they did not depict the informal economy merely as a symbol of crisis. Rather, they saw it as offering inspiring visions to alter the future of work. The sociologist Jonathan Gershuny offered one of the most widely acknowledged ideas of an alternative informal economy. Based on empirical findings on the United Kingdom, he argued that since the 1960s, people had purchased more consumer goods, enabling them to produce services themselves. For these new informal work activities, Gershuny (1978, 1979) coined the term of the self-service economy.

At the background of Gershuny's analysis lay the assumption that it would not be possible to achieve full employment again. For that, the formal economy was, in his view, too inflexible because of, in particular, "employment-protection legislation, employers' social-security contributions, and labour-union restrictive practices". In contrast, he held that the informal economy was "by definition free of external restrictions" (Gershuny 1979: 7). Thus, along general lines, Gershuny shared the assessment of the neoliberal advocates. But for him, the main point was to emphasize the potential of the informal economy as, in his view, the future goal was "to improve the quality of both work and leisure in the informal sector". Moreover, he believed that "the complex of activities including recreation, education, housework and other production activities which might in the future be transferred to the informal sector, might become a viable alternative to employment in the formal sector" (Gershuny 1978: 151). Thus, in Gershuny's view, informal work activities not only had the potential to open up new possibilities to give a better balance between the working and the private life, but they also could, in the

future, offer alternatives to employment in the formal economy and, thereby, help to counter the problem of unemployment.

Gershuny's concept of the self-service economy was internationally debated, for instance, at the OECD conference about "The Welfare State in Crisis" in 1981 (OECD 1981). For the OECD at the time, the rise of new forms and patterns of work, typified by concepts such as the self-service, the informal, or the underground economy, went hand in hand with deindustrialization, and the growth of the service sector that led to more part-time, temporary, intermittent and home-based work, an increasing part of which was taking place outside the formal economy. This development, in the OECD's view, raised the question if societies should legitimize some of these informal work activities and integrate them into the formal labour market, or if such an approach would represent a threat to existing social standards and, in the long run, undermine economic efficiency (1981: 80).

At the beginning of the 1980s, in a time of economic crisis and structural change, ideas of alternative informal economies like Gershuny's self-service economy made their way into political and scientific discussions about the future of work. But such concepts did overall only wield marginal political influence, in marked contrast to neoliberal policies of structural adjustment and positive adjustment policies, respectively, which had already been gaining ground during the 1970s. In the 1980s, the latter became a major programme within the OECD, thought to bolster economic growth (Beroud 2017). With regard to labour markets this meant, first and foremost, neoliberal politics of flexibilization and deregulation, in particular, in the realm of wage-setting and working time (OECD 1986a).

Structural adjustment policies, however, were not only promoted in the global North. In the global South as well, structural adjustment programmes spread during the 1980s, often fostered by the World Bank (Lubell 1991: 119). With his book *The Other Path*, published in 1986, the Peruvian economist Hernando de Soto gave an influential ideological justification for such neoliberal development policies (e.g., Bromley 1994; Mitchell 2009). Arguing from a legal perspective, he held that informal economic activities suffered from an overregulation by the state and that, consequently, the government's excessive regulatory framework hindered the growth of the small-scale enterprises in the informal economy because they were deliberately kept in illegality. Therefore, he pledged to eliminate what he thought were "unproductive restrictions", in particular, in relation to property claims resulting from informal housing (de Soto 1989 [1986]: 293). This should lead to, like the subtitle of the English version of de Soto's book outlined, an "invisible revolution in the third world" – that is, a neoliberalist revolution from below – that would "transform every home owner into a capitalist entrepreneur" (Mitchell 2009: 390). De Soto, thus, made an argument that was quite similar to the assessment of the ILO Kenya mission more than a decade earlier. What was omitted in his vision of the informal economy, however, was the latter's equal emphasis on the likewise importance of Keynesian elements of government support and subsidies, embedded in beneficial political conditions and a framework of protective labour standards.

The global spread of neoliberal labour (market) policies in the 1980s led to a worldwide decrease of standard or formal employment, provoking early studies that analysed the informal economy in less developed and developed countries together (e.g., Portes/Castells/Benton 1989). This tendency was reinforced in the 1990s due to both changing corporate investment strategies and state policies, resulting in a global increase of informal work and informality (Mayer-Ahuja 2018: 263).

6.4 The Heyday of Neoliberal Labour Market Policies and the Dilemma of the Informal Sector

At the end of the 1980s and the beginning of the 1990s, the slowdown of the economic growth in the global South during the 1980s renewed the international organizations' interest in the informal sector's production of goods and services (Lubell 1991: 11). In attempts to draw up interim balances, a couple of reports summarized the main findings and developments since the invention of the concept almost two decades earlier (e.g., Turnham/Salomé/Schwarz 1990; ILO 1991b; Lubell 1991). Some of the major insights were the "ambivalence of the situations" and the "heterogeneity of activities" that characterized work in the informal sector. Whereas the former emphasized the multifaceted relations between the informal and the formal sector, the latter underlined that informal work activities could be both subsistence survival and profit-making activities (Charmes 1990: 16). Furthermore, it became more and more evident that the informal sector was not, as some had initially thought, a residual or temporary phenomenon that would be absorbed, at some point, by the formal sector. Right to the contrary, the President of the OECD Development Centre, for instance, stated that "the informal sector is here to stay" and "the informality even seems to be spreading" (Lubell 1991: 9).

In this era of a renewed interest in informal sector activities, the ILO was finally able to achieve some success in standard setting as the International Conference for Labour Statisticians in 1993 adopted a resolution for a definitional concept for informality in order to include informal sector statistics into the United Nations System of National Accounts. This endeavour was part of the ILO's decades-long efforts to be able to quantify employment insufficiency with a globally operational measure (Benanav 2019). In the International Conference for Labour Statisticians' concept, the informal sector was "consisting of units engaged in the production of goods or services", with the production units having "the characteristic features of household enterprises" (ICLS 1993: 52). Not considered to be (missing) production, unpaid domestic or housework, sometimes also referred to as informal work, was not included in this concept (ILO 1992b: 28).

With regard to their economic range, the household enterprises were defined broadly. They could either be of only a marginal size with no clear distinction between the production activities and other, subsistence or reproductive, activities of the owners, or they could be of a larger size and, thus, also employ contributing family workers or employees on an occasional or even a continuous basis.

The common feature of all these quite heterogeneous manifestations of household enterprises was that their operational ties were based on "casual employment, kinship or personal and social relations rather than contractual arrangements with formal guarantees" (ICLS 1993: 52). This description changed the perception of the central criteria of non-regulation of informal sector activities. Rather than being a problem of non-access to legality due to overburdening state regulations, the emphasis lay now on what may be called "extra-legal regulation" (Mayer-Ahuja 2018: 260).

The original idea, however, that the informal sector consisted of (small-scale) enterprises and entrepreneurs, respectively, remained at the heart of the understanding of informality and provided the basis for the first statistical definition of the informal sector. It is quite remarkable that the labour statisticians, at the beginning of the 1990s, stuck to the definitional idea of the informal sector enterprise as the ILO, at the same time, was preoccupied with what was debated as "the dilemma of the informal sector". The core of it was the question if one should further promote employment in the informal sector or if one should, at the risk of reducing informal employment possibilities, plead for more protection and social security. The ILO, thus, was fully aware that only some viable small-scale enterprises had the potential for growth and employment creation, whereas for many individuals engaged in the informal sector the notion of the informal sector enterprise was merely a blunt euphemism as "they generally live and work in appalling, often dangerous and unhealthy conditions, even without basic sanitary facilities, in the shanty-towns of urban areas" (1991b: 4–5).

The ILO noted the dilemma of the informal sector, first and foremost, with reference to less developed countries. But it was also observed in industrial countries where, in particular with the spread of subcontracting, informality grew as well. The concern, however, that OECD countries would need to decide whether they wanted to allow "the avoidance of labour, health and tax regulations by sweatshops in their own countries in order to promote employment" or if they choose "to enforce such regulation to protect the integrity of the social legislation" remained only a marginal voice in the political discourse at the time (Lubell 1991: 14). In the 1990s, the OECD and the World Bank promoted the neoliberal political agenda with ever louder voices. The ILO, at the same time, had already lost much of its former influence and was barely able to oppose the global spread of structural adjustment policies (Benanav 2019: 121).

With regard to the debates about the informal economy, a clear sign that the heyday of neoliberal labour market policies was very soon to come was a repeated claim, saying that too many labour regulations would lead to too high labour costs, which, in turn, would decrease the amount of formal employment. This argument can be found, by way of example, in the World Bank's Development Report on Poverty from 1990. Labour market policies like minimum wages, job security regulations, and social security measures, "usually intended to raise welfare or reduce exploitation", had quite to the contrary, as the report declared, "reduced

formal sector employment" and "increased the supply of labor to the rural and urban informal sectors" (World Bank 1990: 63). In the light of such assessments, the World Bank and the OECD, at root still clung to a dualist view of the economy, especially pleaded for a thorough flexibilization and deregulation of labour markets in the global South as well as the global North. In their influential Jobs Study from 1994, the OECD promoted flexibility in labour (market) policies by arguing that in countries with stronger labour laws, unemployment was higher than in countries with weaker workers' rights (OECD 1994). In a similar manner, the World Bank in their World Development Report from 1995 claimed that labour policies in many countries would only provide protection and privileges to the minority of the formally employed while the majority of the working poor, that is, those in rural or informal sectors or the unemployed, could not benefit and were left even more behind (World Bank 1995). In their attempt to end what was perceived to be misguided policies, the World Bank aimed at fighting labour market segmentation with the regulatory ideal of forced structural adjustment, which meant reducing labour standards. Hence, like Jan Breman critically noted, in the World Bank's view it was the questionable way of fostering informalization that should lead to more social equality (1995: 2300).

The global triumph of the neoliberal politics of deregulation and flexibilization, however, did not remain unchallenged. While some like the ILO's Guy Standing (1999) tried to find ways to combine the demands for labour flexibility and efficiency with those of security, democracy, and distributive justice, others began to problematize, politicize, and protest the increase of precarity and informality around the globe. In France, public debates about the rise of precarious and atypical employment had started to take shape already at the end of the 1980s, soon spreading to other Western industrial countries like Germany (Marti 2019: 396–398). Influential and widely received was a report by the French Economic and Social Council from 1987, entitled *Huge Poverty and Economic and Social Precarity*, which estimated that there were about 2.5 million people in France "not disposing of sufficient resources to live". The report described precarity as "the absence of one or more securities, in particular, that of employment" (Conseil Économique et Social 1987: 6–7). Accordingly, at the time, research on labour market flexibility and precarity began to flourish (e.g., Rodgers/Rodgers 1989). In the 1990s, the concept of precarity was further theorized by a number of renowned sociologists, among them Robert Castel (2003 [1995]) and Pierre Bourdieu (1998).

Bourdieu, in a well-known essay with the title "Precarity is Everywhere Now", blamed the precariousness provoked by (involuntary) temporary and part-time work or unemployment to be the cause for a deliberately created collectively experienced "state of insecurity" (1998: 85). It is telling that, in the essay's English version, precarity is sometimes translated to "job insecurity" or "casualization of employment", thereby highlighting the strong connections between labour and social security that neoliberalism, in Bourdieu's view, threatened to destroy. All in

all, the critical contributions on the rise of precarious employment in the global North described a massive transformation of working conditions, propelled by neoliberal labour (market) policies, leading to both social marginalization and loss of social cohesion.

Likewise, in the 1990s and the early 2000s, a number of global networks aiming at organizing and empowering women workers in the informal economy were founded. Based on initiatives and ideas of already established self-help women's organizations like the Self Employed Women's Association from India, NGOs such as Women in Informal Employment: Globalizing and Organizing (WIEGO), HomeNet International and StreetNet International strongly facilitated the visibility and advocacy of, in particular, informal women workers (Bonner/Horn/Jhabvala 2018). This seemed all the more necessary as, in the 1990s, feminist scholars still criticized that the majority of knowledge on informal work suffered from a male bias in its characterization of the informal sector and, therefore, was widely gender blind (MacEwen Scott 1991). The feminist fight for the rights and protection of women workers in the informal economy, together with the increasing support of international labour unions since the mid-1980s, also made it possible to define labour standards directed (mostly) at female informal labour. In 1996, the International Labour Conference adopted the so-called Home Work Convention and, in 2011, the Domestic Workers Convention. Despite only minimum ratification, especially the Home Work Convention of the mid-1990s was an important step to give rights and recognition to informal women workers previously excluded from global labour standards (Boris 2019: 155–189, 193–228).

The 1990s, in short, were a contested decade. On the one hand, the last years of the twentieth century were crucially shaped by the worldwide spread of neoliberal labour (market) policies, basically increasing the informalization of work around the globe. But on the other hand, protest, critical analysis, and the fight for labour standards, pushed by critical scholars and civil society alike, revived societal debates about insecure and precarious work.

6.5 The Glories of the Gig Economy and the Reformulation of Informality as a Global Problem

In the new millennium, the neoliberal politics of flexibilization and deregulation continued in many countries. With respect to international organizations, however, there have been some important policy shifts in recent years. The pioneering role was held by the ILO, which already in the early 2000s acknowledged that informality was a global problem and consequently reformulated their concept and policies. For the ILO at the time, much of the insecurity and precarity affecting numerous workers around the globe was due to an ongoing informalization of the economy as a whole. In a report from 2002, the ILO highlighted that especially in developing and transition countries, much of the newly available employment opportunities had been in the informal economy. Furthermore, the tendencies to decentralize, outsource, and subcontract production, often in cross-border value

chains, had caused an increase of informal employment relationships in industrial countries and the formal economy as well. As a result, the ILO called for "decent work along the entire continuum from the informal to the formal end of the economy" (2002: 4). The International Labour Conference, in turn, adopted a resolution with a more comprehensive concept of the informal economy, now referring "to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements" (ILC 2002: 53).

This altered perception also led to a change in the statistical definition of informal work. In 2003, the International Conference for Labour Statisticians endorsed new guidelines which should complement their resolution concerning statistics of employment in the informal sector from 1993. These guidelines now also included informal work in the formal economy as not only informal sector enterprises and employment in the informal sector but also "informal employment", carried out either "in formal sector enterprises, informal sector enterprises, or households", was considered as observable unit (ICLS 2003: 13). Basically, this broadened conceptual framework combined the dualist with the structuralist perspective, thus embracing both the idea of the informal sector and that of informality or informalization, respectively. In doing so, the ILO acknowledged that numerous individuals carry out informal (wage) work without being, neither nominally nor in social reality, self-employed entrepreneurs.

In sum, in the first years of the new millennium, the worldwide spread of informal and precarious work in the informal and the formal economy provided an understanding to perceive informality and precarity as recent and interrelated global problems of the entire economy, in the global South as well as in the global North. Some scholars, as a result, have claimed that there is (and will further be) a growing separation of the workforce in (a decreasing number of) workers still protected by (likewise declining) labour standards of standard or formal employment, respectively, and (an increasing number of) workers, mainly young, female, and migrant, who must comply with job precariousness (Crouch 2019: 42). The latter ones are those who Guy Standing in his bestselling book from 2011 has called the "precariat", "a new group in the world, a class-in-the-making" (2011: vii).

The informalization of the economy, leading to, as Jan Breman and Marcel van der Linden have put it, "the return of the social question at a global level" (2014: title), has inspired new policy approaches towards informal and precarious work. The European Union, for instance, has favoured the approach of "flexicurity", an idea developed already in the 1990s but made a guiding principle in the mid-2000s. "Flexicurity can be defined", the European Commission explained in their employment strategy from 2007, "as an integrated strategy to enhance, at the same time, flexibility and security in the labour market" (2007: 4). Albeit of questionable success, the approach should hence reconcile neoliberal and social democratic labour (market) policies (European Commission 2013).

The ILO, in turn, has declared to fight informality with formalization. In 2015, the International Labour Conference adopted a recommendation that not only

aims to "facilitate the transition of workers and economic units from the informal to the formal economy" but also calls to "promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy" and "prevent the informalization of formal economy jobs" (ILC 2015: 4). The positive notions towards the informal sector that governed the ILO's early assessments have hence been fully abandoned.

Even the OECD, a key promoter of neoliberal politics in the decades before, has come to acknowledge the problems related to precarious and informal employment. The OECD not only supports some of the ILO's efforts to curb informality around the globe (OECD/ILO 2019) but also has reformulated its Jobs Strategy. The main message now is "that while policies to support flexibility in product and labour markets are needed for growth, they are not sufficient to simultaneously deliver good outcomes in terms of job quantity, job quality and inclusiveness". Consequently, the OECD pleads "to combine policies that encourage economic growth with policies and work practices agreed by the social partners that foster inclusiveness and protect workers" (2018: 14). With this changed valuation regarding labour market flexibility, the OECD's Jobs Strategy from 2018 differs considerably from the previous one from 2006 and even more from the first one from 1994 (OECD 1994). In the years to come, time will tell if these new policies will have an impact to social reality or if they remain merely rhetoric.

Historical research has not yet explained how these transformed policies have come into being. As a reason for their changed perception, the OECD has mentioned new evidence showing that countries focusing mainly on labour market flexibility have performed worse than countries that have aimed to stimulate the quality and quantity of jobs and labour market inclusiveness (2018: 14). Recent empirical findings hence suggest that informalization does not lead to (more) economic growth. Furthermore, empirical studies attempting to measure, with different (macroeconomic) methods, the size of the informal or hidden economy as a percentage of the GDP have found that the shadow economies have reached a quite large size these days. This is true for developing and transition as well as for OECD countries, albeit with considerable regional disparities (Hassan/Schneider 2016: 11, 14). Based on their conceptual framework for the statistical measurement of the informal sector and informal employment, the ILO also has presented comprehensive statistics on women and men in the informal economy. Agriculture included two billion people, or more than 60% of the global labour force gain their livelihood with informal work activities, according to the latest publication from 2018 (ILO 2018a: 13).

Despite the vast extent of the informal economy and the increasingly critical calls for more decent work from notable institutions, however, visions of freer and better work beyond the strings of formal labour have been voiced in recent years. The gig economy is a textbook example for this. Hardly surprising, for those who praise its glories, the platform world of work looks fairly bright. An anecdote from 2011, recalled by a former reporter at a tech blog, is very illuminating in this respect: "This future, dozens of young entrepreneurs explained to me,

didn't involve jobs. Nobody liked jobs: The boredom! The rigid structure! The obedience! What the world really needed were gigs" (Kessler 2018: ix). Thus, in the view of the emerging gig entrepreneurs, the vision of their working life was a new kind of entrepreneurship that was more exciting, more flexible and more self-determined than a normal job. For them, in short, freedom and individual fulfilment were to find beyond formal employment. Obviously, such hopes are new wine in old bottles as they have echoed, first and foremost, earlier discourses about the (potential) freedom and flexibility of informal work activities.

As in the last three decades of the twentieth century, these positive visions have provoked fundamental critique. In this respect, Colin Crouch has claimed that the gig economy "will not become a paradigm form for work relations in the digitalized economy of the future" but should rather be seen as a prime and often positively glorified example of precariousness caused by "the dismantling of the security of standard employment" (2019: 9–10). The (mostly) self-employed workers of the gig economy are affected by this job insecurity as they are (frequently) not protected by the labour standards of standard or formal employment, respectively. A recent ILO study is illuminating in this respect. It indicates that self-employed, with respect to platform work, in fact (often) rather means precarious own-account worker than thriving small-scale entrepreneur. As a result, the ILO's criteria for decent work in the gig economy read like long-known union demands for better working conditions, such as the demand to address employment misclassification; the demand to allow platform workers to exercise their rights to association and collective bargaining; the demand to apply the prevailing minimum wage; and the demand to adopt policies to improve the platform workers' social protection, in particular, regarding social insurance covering (2018b: xix–xx, 105–111). These basic demands point to the fact that informality and insecurity are not inherent to the gig economy (or some other type of economy, for that matter) but are politically intended and thus deliberately produced.

6.6 Conclusion

The invention of the concept of the informal sector at the beginning of the 1970s has essentially shaped what, since then, has been perceived as work. By rendering visible many work activities that before had been depicted as non-work, early promotors of the concept, such as the ILO, wanted to stress these economic activities' potential for the future, in particular for developing countries. But towards the late 1970s, the economic and job crisis raised the awareness for informal or hidden economies in industrial countries, too. The OECD and the World Bank, in particular, responded to these challenges with a globally promoted agenda of neoliberal politics. These and other neoliberal advocates used the much-discussed growth of informal labour as evidence to fuel a discourse of crisis and as an argument to promote the flexibilization and deregulation of the labour markets. Hence, the forced adjustment programmes led to a decline of standard or formal employment, respectively, from the mid-1980s onwards. As a result, informal and precarious

work has increased in the global North as well as in the global South. At the same time, the perception of the informal economy began to shift. Already in the early 1990s, the ILO acknowledged a possible dilemma between further fostering mostly insecure informal sector employment and promoting more social protection and security for informal workers. Towards the end of the 1990s, global networks and critical scholars strengthened the agency and the visibility of informal and precarious workers, with a special focus on the vulnerability of female informal labour. In the new millennium, the global spread of informality and precarity in the entire economy increased the demands for decent work in the informal as well as the formal economy. These calls for a formalization of informal work are nowadays also widely supported by the OECD and other (former) advocates of neoliberal labour (market) policies.

Thus, in respect to the changing perception of informal work and the informal economy, respectively, the turning decades were the 1980s and especially the 1990s. It then became abundantly clear that individuals working in the informal economy were, predominantly, precarious and unprotected own-account workers for whom the concept of the small-scale entrepreneur was barely adequate. But it was exactly the notion of a self-determined entrepreneurship, woven into the concept since its invention, that has made the informal sector appealing for actors and institutions supporting different political ideologies, from unorthodox development researchers to neoliberal economists to adherents of alternative economies. Besides the notion of entrepreneurship and yet crucially linked to it, the central claim that the informal economy is, above all, characterized by a lack of legal regulation further advanced the idea of a freer and more flexible economic sphere beyond the formal economy. This dualist view of the economy, too, proved to be attractive, although it had been criticized very early on by highlighting the multifaceted and constitutive interconnections between the informal and the formal economy in terms of production and value chains. In recent years, the latter, structuralist perspective has gained much in importance, in political as well as in scholarly discussions. This does neither mean, however, that the actual policies have also changed, nor that enthusiastic dualist visions of informal work have fully vanished. The highly ambivalent appraisals concerning the gig economy are just the latest manifestation of a debate with a much longer, interrelated history of the global South and the global North about the exploitation and the value of work and workers.

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7

A TRADE BETWEEN FLEXIBILITY AND SECURITY

Examining the Evolution of Non-Standard Work Arrangements and Ways to Rebalance the Position of Platform Workers in the Labor Exchange

Aleksandra Webb

7.1 Introduction

In the last decade employment in the gig economy has been rising rapidly with business organizations increasingly utilizing flexible "on-demand" employment practices to boost their competitiveness. This flexible employment model allows employers to benefit from low labor cost as they transfer security and health costs to governments and workers. Policy reports lists many problems deriving from this unequal model that fractures traditional reciprocal labor exchange, and in most cases, leads to underemployment, in-work poverty, health and safety breaches, exhaustion and poor workers' well-being (ILO 2018a, 2018b, 2018c, 2018d; TUC 2017). Despite the proliferation of deteriorating work and employment conditions, predictions suggest that gig workers will soon outnumber traditional employees due to a lack of good quality full-time jobs (Katz and Kreuger 2019; Shapland and Heyes 2017). But the state of gig economy observed today showcases a fractured system of work and employment (DBEIS 2018). The social consequences of insecure, informal and precarious employment do not match world-wide aspirations of governments for fair, inclusive and productive economies. Despite the already existing employment crisis, new dubious practices of platform employers have recently surfaced. They force gig workers to offer their labor for the lowest possible pay in fear of being excluded from future job listings (Bérastégui 2021). They are particularly damaging in the context of high competition equally for high- and low-skilled jobs.

The Covid-19 pandemic of 2020 further demonstrated fragility of employment in the context of disrupted work supplies. As a direct consequence of world governments taking actions to limit the spread of the deadly virus by instalments

DOI: 10.4324/9781003351764-9

of lockdowns and other control measures, the pandemic intensified a plethora of existing economic and social crises in both traditional and the gig economy (ILO 2020, 2021; STUC 2021). Introduced limits to social interactions forced many businesses organizations to suspend their operations ceasing work to exist (McQuaid and Webb 2020). Early findings show that while the majority of administrative and some professional jobs performed in traditional employment setting were rapidly moved to the remote digital work model (Mallett et al. 2020), the Covid-19 pandemic has hit hard particularly experience-based service sectors with predominantly face-to-face interactions, such as live events, arts and creative sectors (O'Brien et al. 2020, 2021; Webb 2021). These sectors tend to be organized according to a precarious "gig" model and have a high propensity to job informality. In effect, it appears that the pandemic may have accelerated an existing trend towards a greater proliferation of non-traditional and "gig-type" jobs among all "pandemic losers" (i.e. those who lost their jobs or were forced to survive on substantially reduced income) (Webb et al. 2020).

Gig work is not a new phenomenon. Various forms of non-standard "flexible" work, which used contingent labor, preceded it. Arts and entertainment industries have been a site of work of a temporary nature, performed mostly in project settings, before the "gig" practices started to appear in conventional industries. The employment model, for example to produce a new theatrical performance, was dictated by the unique characteristics of cultural production and complimentary skillsets of workers from across artistic specialisms. In contrary, the great majority of gig work today can hardly be characterized as a unique piece of work requiring highly specialized skills. Work in the gig context is instead constituted by pieces of repeatable tasks, or short jobs, which acquisition is being increasingly automated (i.e. mediated by technology platforms and apps) (DBEIS 2018; Rinne 2017). The sole purpose of such arrangements seems to simply match the demand for services delivered in 24hrs consumption-driven economy and ultimately safe businesses the labor cost. This raises questions over justification of such fractured employment arrangements that creates unfair and unequal labor conditions. The Covid-19 exposed deep cracks in this exploitative employment model as many gig workers were left with no work, no employment support and no access to social welfare. At the same time, gig economy continued to provide jobs, while recruitment for traditional employment dried up, except for the category of essential workers.

In the context of a rising demand for gig workers, it is important to revisit the evolution of "flexible" work and draw some lessons to stimulate a much needed shift towards moral and responsible economy. Drawing on published evidence, literature and policies, as well as the accounted impact of the pandemic, this chapter will reflect on the schizophrenic nature of gig employment that feeds of a disbalance between gig workers' commitment and their 24 hours availability for work, despite the cost of variable income and job insecurity they have to bear. Employment flexibility can provide benefits for both employers and workers and as such should be advocated as one of the routes to labor market integration. However, moral appropriateness of a prolific usage of short insecure job assignments must be

questioned and regulated, particularly in cases where there is a need for continuous employment and where work is performed for one agency/employer. While employers tend to notoriously exploit resilience of gig workers, the states show no or limited commitment to effective support and protection of these workers. This situation seriously endangers not just human welfare of individual gig workers, but undoubtedly, the well-being and sustainability of the whole work-employment system.

Therefore, this chapter, firstly, explores a trade-off between insecurities and flexibilities of gig work. It revisits the evolution of non-standard employment arrangements in the formal and informal contexts to scrutinize the employers' logic and point out shortcomings of unbalanced distribution of benefits in the labor exchange. Secondly, using an example of project-work originally devised in arts, it examines circumstances under which flexible work arrangements are justified by the nature of production. Creative projects can offer a useful lens to question the fit between the nature of work and employment practices. This is to provoke an argument that positions the proliferation of gig employment in relation to questionable moral choices made by employers. Exposing the unchanged economic rationale and the "logic of greed" not only helps to direct the edge of criticism at accountable subjects but also invites to consider their active power in rebalancing workers' position in the labor market. Thirdly, the chapter suggests some general avenues to tackle the damaging gig employment practices through a rage of hard and soft approaches built on principles of fairness, dignity and social justice. These are not prescribed solutions, but rather pathways underpinned by duty of care and strong democratic and moral values. They can assist with attitudinal and behavioral change and thus, help build strong foundation for fairer society and supportive economy in the post-Covid era.

7.2 The characteristics of non-standard work arrangements in the context of formal and informal employment

In the last decade, gig economy has emerged as a key phenomenon signaling a significant shift to normalization of casualized employment arrangements that have deeply penetrated the labor market. Gig economy can be characterized by the prevalence of short-term contracts (gigs), or freelance work, as opposed to traditional permanent jobs. In this context, gig work is most commonly defined as a type of "non-standard" work (ILO 2016, 1–3). It is likely to fall into two categories offered by the International Labour Organization (ILO), either as "temporary agency work and other forms of employment involving multiple parties" or "disguised employment relationships and dependent self-employment". This makes it very different from a part-time employment of less than 35hrs a week, or a temporary waged employment, both of which give an indication of how much work, and therefore income, a worker is guaranteed. This also means that, unlike other forms of paid labor exchange, the gig work is synonymous with highly-variable hours of work and uncertain levels of income. This often results in difficulties for workers

with accessing social welfare support, which in most industrialized countries is designed against a template of traditional and stable wage employment in a single firm (ibid., Vaiman et al. 2011).

While gigs have been viewed positively for offering flexible working hours or additional income to certain groups of workers (e.g. for students, carers, creative and independent high-skilled professionals) (Webb et al. 2019), the criticism far outweighs the praise. Evidence suggests that for many other groups of workers gig work diminishes security and stability of employment as it rarely offers an equivalent of full-time job (particularly when gigs are the main or the only source of income). Gig workers often lack basic protection by labor laws and regulations with regards to minimum wage, health and safety, and training (Kalleberg 2009). Labor researchers have heavily criticized a polarized pattern of either underemployment or excessive working hours. On the one hand, underemployment leads to a higher risk of working poverty; on the other hand, excessive hours of many seasonal workers expose them to potentially higher health and safety risks without due financial compensation (ILO 2018a, 2018b). Associated with "gigging", poor conditions lead to workers' exploitation and often resemble a modern form of slavery. Moreover, workers often have to cover additional costs related to the supply of their own work tools and equipment necessary to perform jobs they are hired for (Stanford 2017). They are also solely responsible for handling of their contracts, finances and other legal issues (Osnowitz 2010). Therefore, for many, independent work has become a necessity to sustain livelihoods in the face of limited availability of traditional employment (Johnston and Land-Kazlauskas 2018; Manyika et al. 2016).

The individual human and social costs associated with non-standard employment are real. However, there are clear benefits flexible contracting offers to employers. Currently *gig economy* drives dynamic labor supplies, whereas a decade ago *contingent work* was the most common type of cost-efficient non-standard employment arrangements (Stanford 2017). *Contingent workers* filled the businesses' need for agile workforce hired "on demand", that is when needed, against the backdrop of a traditional full-time and organization-based model of employment. This model has been widely used in competitive market economies to increase organizations' global resilience and competitiveness by providing them with suitably skilled flexible labor without the burden of costly commitment to indefinite contracts, long-term wages and other employee benefits (Kunda et al. 2002; Kalleberg 2009, 2000). Despite the initial higher fees for contingent workers, it enabled organizations to address fluctuations in revenue, product demand and production capacity (Connelly and Gallagher 2004; Matusik and Hill 1998). With time, the contingent model has evolved to address global demands of consumption-driven economy. A clear trend has emerged indicating that contingent workers started to be hired widely, not only to supplement the core workforce in meeting increasing demands of flexible firms, but to (fully or partially) eliminate traditional employees for even greater economic advantages (Fleming 2017).

Non-standard forms of employment, such as gigs, are significantly more likely to be conducted in the informal labor market. Thus, fragmentation and precariousness

of gig work further increases particularly when it is performed in the informal contexts (ILO 2019). The non-regulated aspect of the informal economy can lead to even more fragile workers' status. This implies not only the absence of social security benefits but also other forms of social protection (such as paid annual or sick leaves), as well as lack of employer's financial contributions towards pension and national and/or health insurance gained through the length of employment (Webb et al. 2020). Such arrangements also expose a lack of collective representation typically experienced by non-unionized independent workers, as they have no organizational channel to voice concerns and pressure for improvements in their inferior working conditions (Malo 2006). Importantly, the lack of employment protection is experienced equally by self-employed freelancers in small, unregistered enterprises that avoid statutory tax payments, as by independent contractors covering a variety of legal and legitimate jobs found and performed using digital platforms such as TaskRabbit and PeoplePerHour (DBEIS 2018). Independent workers not always have a choice as necessity dictates their engagement in either informal or formal economy, which can overlap (Williams 2014). For example, in the instance of "envelope payments" a full or partial wage or payment for short work assignment may be received by formal waged employees as cash. This example implies that even while in formal employment, workers can sometimes be paid two distinct wages, an official wage declared for tax purposes and an additional unofficial undeclared (or "envelope") wage (with cash for overtime and/or for the regular work conducted). Other examples include portions of "off-the-books" trading not declared to the tax authorities, a "false self-employment" (where a self-employed person works for one "employer" but pays no wage tax), or undeclared "paid favors" conducted for and by kin relations living outside the household (e.g. friends, neighbors and acquaintances) for social and/or profit motivations.

Gig workers have become particularly vulnerable during the Covid-19 pandemic as their obscure employment status disqualified them from the financial support traditional workers have received. This reflects further weakening of gig workers' position in the highly casualized labor market (Shapland and Heyes 2017; TUC 2017). Policy-makers seem to have limited solutions when agile condition of contracts becomes a modern standard in the highly competitive business. Digital and internet-based technologies have opened up new opportunities for income generation, which are particularly exploited by the gig economy. They enable the paid exchange of labor between individuals or companies to be delivered via digital platforms, which match providers of work with clients for a proportion of pay (or a fee for usage of their platform/apps) (DBEIS 2018; Rinne 2017; Schmid-Drüner 2016). As work intermediaries, they have become powerful actors in the labor market. Some commentators suggest, they actively and successfully disrupt decent employment practices by using opaque language and loopholes in the employment law for own profit advantage (Cornelissen and Cholakova 2019). For example, Über frame itself as a "technology company" reducing taxi drivers' status to independent contractors hired for short-term engagement. This classification frees Über up from complying with employment laws. Worryingly, as similar organizations adopt platform-based business model (e.g. Deliveroo, Foodora, Lyft),

these new employment categories legitimize disparities in work conditions across the labor market and intensify precariousness.

Panzaru (2019) observes that the higher the proliferation and penetration of digital technologies, electronic networks, online platforms and internet connectivity, the greater the expansion of freelance online economy in both formal and informal arrangements. "E-lance economy" is described as internet-mediated context, where financial transactions and other seller-buyer exchanges happen (Malone and Laubacher 1999; Stanford 2017). This business model requires both parties to have an online presence (i.e. a profile on a specific platform), which sets out the conditions for interactions (Panzaru 2019). For example, sellers can post pictures with descriptions of products or services they want to sell, and buyers can view and buy them. A similar mechanism can be observed in the job acquisition context. Those who hire can post description of projects or tasks, while independent workers bid for these jobs. Freelance contracting over the internet is relatively new and not yet fully understood, however informality is expected to be a key feature of these new arrangements. As e-lancers are considered to be digital nomads in global e-commerce, tax avoidance, lack of compliance with work and employment regulations and other transgressions seems easily facilitated, if not legitimized by the e-lance community (Ibid., Müller 2016). Due to a lack of geographical boundaries of e-market, it proves notoriously difficult to regulate via national legislations. Even if e-lance work is performed legally and legitimately, new damaging practices have been observed. They resemble "a race to the bottom" which means that individual workers compete by offering ever cheaper rates for gigs they are to perform in the fear of being blacklisted by platforms if they simply opt out, or if they overall job acceptance rate is low Bérastégui 2021; ILO 2018c).

"Bidding down", "blacklisting", "performance ratings" and other increasingly exploitative, yet popular practices, demonstrate generally deteriorating labor market conditions and weakening of employers' moral values. Business organizations seemed to hijack the flexible arrangements and remodel them as agile employment practices solely for their own benefits. The shape of flexible recruitment has evolved overtime, but a greedy logic of cheap labor hiring remains unchanged. It signifies uneven balance in the labor exchange that grants a much-extended flexibility with no risk to employer leaving workers in the state of permanent insecurity that in the end affords employer's financial gain. This perpetual cycle seems notoriously difficult to break, particularly in the times of crisis. For that reason, the Covid-19 pandemic might have substantially limited progress towards sustaining "decent" work agenda with equal opportunities and social protections for all (ILO 2018a; UN 2017). However, it might have offered new opportunities for redesigning a balanced welfare and employment system that: champions decent employment practices, considers workers' needs to sustain their livelihood, supports the states' aspirations for fairness and equality, while acknowledging an increasing business need for more flexible patterns of work.

The pandemic exposed multiple systemic vulnerabilities, but it could act as an accelerator of positive change providing real attitudinal change happen. Employers

must acknowledge their responsibility for choosing business and employment models that distribute the gains more equally amongst the workers and the business. One way to help achieve this would be to invite employers to reflect on the rationale and frequency of using gig contracts. The next section will highlight the difference between a production-dictated need for discontinuous short-term work against a prolific profit-oriented abuse of flexible arrangements for routine jobs observed in today's gig economy.

7.3 Creative projects: a lens to question the fit between the nature of work and employment practices

It has been established that the logic of flexible firm driving the use of short-term and temporary work arrangements (Atkinson 1984), has disproportionally benefited the employers at the expense of workers who continue to experience deteriorating working conditions. Previous section discussed the negative and damaging qualities of gig and other non-traditional work arrangements. It pointed out how "the gig logic" exposes employers' gain through one-sided extraction of flexibility that consequently leads to workers' exploitation by stripping them from job security and employment benefits. Arguably, there are contexts in which flexible short-term arrangements fit with the purpose of unique job assignments for which workers are contracted. Originally, such project-based arrangements have been utilized in arts and across creative sectors. They provide a useful context to showcase a justified use of temporary employment model matching the needs of particular cultural production (Menger 1999).

A project is typically characterized by distinctive boundaries with well-defined beginning, end, aims and scope. Turner and Müller (2003, 1) define it as

> an endeavour in which human, material and financial resources are organized in a novel way, to undertake a unique scope of work, of given specification, within constraints of cost and time, so as to achieve beneficial change defined by quantitative and qualitative objectives.

The projects' transient nature and a specified goal sit as a clear contrast to routine operations where the activities are continuous and long-term focused. There has been a long history of flexible and temporary organization of artistic production that spans beyond a single organizational entity. Artists and creative professionals are used to work individually or collaboratively in these temporary arrangements when creating bespoke art commissions, theatrical performances, music compositions or architectural designs (Sedita 2008). The use of projects in these and other examples of cultural production was dictated by a discontinuous nature of work, rather than an opportunity to exploit or undercut artists. Using the context of arts, it is important to highlight differences between hiring practices in relation to either distinctive, temporary and discontinues, or, repetitive, routine and continuous nature of work. Such distinction has been largely disregarded in the wide-spread gig employment practices.

Project work has been modelled on the blueprint of flexible qualities of cultural production, which has been a common site of such project-based arrangements because they suited the temporary nature of artwork and creative engagements (Grabher 2002). Unlike the production of standardized goods, the craft production of individual artworks, novel designs, or unique intangible cultural products (such as live concerts and artistic events), requires a different set of processes to accommodate a unique setting of each project. Project arrangements are also particularly suited when more than one individual contribution is required to produce the final output. Research emphasizes the collaborative nature of projects and importance of contributions brought about by individuals with diverse skills and complementary talents (Jones 1996). For example, Sedita (2008) talks about ensemble of individuals who need to come together, like in an orchestra, while Grabher (2002) links the skillsets, dedication and teamwork as key features of collaborative work. Despite the precarity deriving from job competitiveness, irregularity and comparably low income, all commonly reported characteristics of work in arts and creative industries (McRobbie 2015), it is a site of justified use of short-term contracts and flexible employment arrangements. It is simply not practical for this type of work to be performed in a traditional full-time permanent ("9–5") model.

With exception of artists and creative workers employed in large arts organizations, a great majority of makers and performers work on projects as freelancers and accept the nature of such arrangements as they perform their "labor of love" (Child et al. 2017). While national arts companies and larger creative organizations have more resources to utilize traditional legitimate employment practices, the small ones tend to employ core administrative staff accordingly with traditional employment, but contract artists and creative professionals accordingly with the flexible project model (Sedita 2008). Independent artists and similar self-employed creative workers thus hire themselves out and work on different projects gaining experience, building their creative portfolios, strengthening competences, developing reputation and expanding professional networks (Ibid., Jones and DeFillippi 1996). Over time these experiences constitute an individual career capital which they tend to use to secure new work that happens mostly by a word of mouth or through personal recommendations (Ibid.). While work in the creative project is not immune to informality and precarity, irregular patterns of work are accepted by those who hire and those who work on the projects, who often represent one community of practitioners.

However, since knowledge, innovation and creativity have been considered as the most precious of economic resources (Howkins 2001), a dramatic shift to project-based model of production has been noted (Boltanski and Chiapello 2005). Flexible project arrangements started to be used widely across many industries. Projects allowed organizations to satisfy customers' needs through a greater personalization and customization of their outputs, while sustaining the capitalist's paradigm for ever increasing profits and competitiveness achieved through leaner "on demand" organizing (Burke and Morley 2016). Importantly, the projects' needs, rather than the employment needs of workers, have been prioritized by employers

to achieve an economic advantage (Lindgren et al. 2014). Importantly, project arrangements used in its original creative and gig economy contexts demonstrate two very different scenarios. In the first one, as described in this section, they represent an innovative organizing solution justified by the nature and needs of unique production. However, the use of short assignments in the gig economy seems hardly justified and suitable for repetitive jobs in a continuous operational cycle. This distinction is important particularly today when unsubstantiated gig hiring practices are normalized.

The persisting economic logic of maximum gain clearly emerges from on-demand employment practices used by agile employers as standard arrangements. This ongoing profit maximization agenda fails to account employers' responsibility for the livelihoods of workers who help their businesses flourish. While artists and creative professionals move from one distinctive project to the next in the unavoidable rhythm of project temporality, the gig workers often take short assignments from the same source (practically an "employer" but allowed by insufficient regulations to have no formal responsibilities) (Cornelissen and Cholakova 2019). It is therefore proposed that not the flexible arrangements themselves but a deliberate overuse of these ultra-flexible arrangements as a replacement for more suitable traditional employment is what led to the employment crisis. Avoidance of traditional employment arrangements in the context where they are appropriate showcases immoral motivations of employers. Thus, their unquestioned freedom in choosing the irresponsible employment arrangements needs to be confronted. Regulatory frameworks also need to catch up with these continually evolving arrangements that cover multitude of employment-related malpractices. Next section will look at some pathways for addressing the proliferation of the damaging gig work practices.

7.4 Pathways for tackling gig employment

Earlier sections listed a plethora of problems associated with flexible work arrangements that provide typically one-sided advantages for employers. Gig work model applied in the context of low-skill jobs becomes synonymous with low quality employment, exploitative work conditions and insufficient social protections, particularly noticeable in the informal economy. The precarious and often informal arrangements make the efforts to improve working and employment conditions in gig economy rather difficult, but not impossible. To tackle such a pervasive work informality and precarity, multi-level coordinated actions are needed, with a mixture of soft and hard approaches to protect workers, and ultimately, enable them to access decent jobs sustaining the quality of life. Here are some possible legislative and good practice avenues that could be considered when building pathways towards decent employment, fairer society and more supportive economy in the post-Covid era. These are not prescribed solutions for addressing the gig-work related problems, but collectively they provide grounds for reimagining alternative and more desirable working futures through ideas underpinned by duty of care and strong democratic and moral values.

7.5 Legislation and regulation

While it is difficult to legislate the entire gig economy, a clear regulatory framework can offer a good level of protection to workers whose work should be formally recognized as employment. Recent examples of court decisions in California, the USA and the UK demonstrate that it is possible to curtail poor employment practices of platform-employers (Butler 2021; Campbell 2019). A status of employee granted by law to Über taxi drivers, gave them a certain set of protections and benefits, such as a pay for waiting time in between assignments or overtime, similar to those observed in other professional contexts. These are welcome solutions that can minimize already difficult job arrangements and share the risk related to fluctuating demand for work between employer and the worker. This aspect will be especially important in the post-Covid economic recovery of service and customer-facing sectors, whose workers have been hard hit by the loss of assignments during the pandemic.

A legislative catch-up with the unfair employment conditions has been called for a long time, particularly to address a clear misuse of flexible arrangements in cases where there is a need for a permanent supply of work. It is also an important first step in recognizing a substantial normative difference between reality and some opaque categorizations of work and workers platform companies use extensively (Cornelissen and Cholakova 2019). Such sophisticated labelling is devised purposefully by platforms, such as Über, to reap the economic benefits by manipulation and avoidance of legal and moral responsibilities. Employee status granted to gig workers who work for one platform, (i.e. their only employer), is a significant legislative step in breaking the illusive arrangements the gig companies secured through their active, persuasive political lobbying. The two courts' rulings in favor of workers give a solid foundation for scrutinizing and reverting the gig companies' damaging work and employment practices. Such legally binding solution is an example of important hard approach for tackling gig-related inequalities as it helps address economic and social consequences of gig work, especially for workers at the low level of skills and pay. However, the effectiveness of hard approaches in rebalancing employment relations depends on countries' legal employment frameworks and commitment of their law enforcement authorities.

7.6 Good practice frameworks

Another important pathway for addressing deterioration of conditions within the labor market and workplaces is by devising good practice frameworks and sharing good practice examples. Specific countries will have their own initiatives to promote labor rights and dignity at work. For example, in Scotland, an independent body with membership drawn from trade unions, public and private sector employers, academics and the third sector representatives formed the Fair Work Convention (FWC). It was established to provide independent advice to the Scottish Government on matters relating to innovative and productive workplaces,

industrial relations and fair work in Scotland. The convention developed and published *The Fair Work Framework for Scotland*, which made important developments to highlight the importance of "fair work", defined as "work that offers effective voice, opportunity, security, fulfilment and respect; that balances the rights and responsibilities of employers and workers and that can generate benefits for individuals, organisations and society" (FWC 2016, 5). The framework maps out and characterizes systemic elements necessary to substantiate humane, fulfilling, respectful and secure work conditions. Fair work understood in such way has enormous potential for bringing multilevel positive outcomes for workers, employers, workplaces and for society. Fair work practices supported by relevant policy levers, and through the uptake by all stakeholders, provide a crucial context for "delivering high performing and innovative workplaces where workers and employers share the benefits of productive and innovative work, creating the potential for transformation towards inclusive economic growth for society as a whole" (Ibid. 8).

This holistic framework has been used to help organizations engage employees and nurture their workplace cultures. However, as the notion of fair work is underpinned by values of fairness, trust, equality and cooperation, it is useful in highlighting the gig-related malpractices. It provides a benchmark to guide behaviors and responsible actions of employers. It signposts a route towards more inclusive economy and fairer labor markets. While good practice frameworks have no legal powers, they assist norm development in the workplaces and beyond. Importantly, they can be used in business and leadership education to inform the ethical conduct of existing and future employers (and managers), thus helping to shape their attitudes and responsibilities. This positive attitude formation must be achieved through a recognition of deeply held need for meaningful work, satisfying employment and fair remuneration as widely shared among all groups of workers. Good work frameworks can therefore also help bring together other legal interventions and best practice approaches to form a holistic view of a modern progressive workplace developed in line with the UN Sustainable Development Goals (2017), minimum and living wage legislation and other country specific employment policies and labor market initiatives. Lastly, they provide an important guideline for unions and other civil society's pressure groups to further guard and champion positive employment relationships. By shaping attitudes and informing moral choices and responsible actions, practice-informing frameworks play an important role in improving quality of work and driving social innovation across the labor market.

7.7 Cooperatives of self-governed and self-organized work

Partnerships of self-governed and self-organized work are another pathway for rebalancing employment power dynamics (Schwartz 2018). A focus on creation and development of supportive community-based cooperatives and agencies of work can provide solutions for self-employed independent workers, who can revert the

abusive and exploitative model of recruitment practiced in the gig economy. This pathway for establishing legitimate networks of collective representation is particularly beneficial for project and other independent workers, who have no access to institutional support and protection mechanisms (Xhauflair et al. 2018). These types of initiatives are an important element in improving the employment and work conditions as they allow groups of individuals to form a self-governed collective set to serve specific work needs of communities in which they are situated. This innovative format enables organization of work practices accordingly with principles of dignity, respect and cooperation. Firstly, community-based membership models and quasi-unions allow independent workers raise their concerns collectively rather than on an individual basis. Secondly, they allow specific group of individual workers/professionals to voice their concerns independently from conventional unions and their specific priorities, thus enabling work communities to self-organize in manners that foster strong social relations and commitment to the local community (Sullivan 2010).

Building networks of small independent cooperative businesses must be, however, supported by central and local governments, skills and enterprise-focused developmental agencies as well as trade unions. To ensure sufficient level of skills development, coaching and mentoring should also be provided for long-term success and sustainability of these initiatives. Importantly, similar forms of bottom-up and community-based collective representation need a greater recognition and support from the established forms of trade union movement as they are better suited to effectively support non-organized workers in non-traditional employment models (Osnowitz 2010). Furthermore, it could be postulated that, if the community-based work organization is given more legitimacy and visibility through the mechanism of collective representation, activities of independent workers in the informal economy could also decrease.

7.8 Facilitating transitions from informal to formal economy

As previously discussed, those gig workers engaging with economic activities in the informal economy tend to experience greater multiple negative consequences. Thus, tackling the informal economy by supporting individual workers' transitions from informal to formal employment is important in rebalancing their economic position as well as strengthening their communities. Different policy interventions focused on reducing individual participation in the informal economy exist, and these range from "hard" to "soft" approaches. As Williams and Horodnic (2016b) point out, the first seek compliance through punishment, tighter rules and close monitoring, while the latter utilize principles of high-trust to develop motivation and commitment through education, mentoring and widening labor market participation. The first mechanism is based on the idea of disincentives (sanctions and penalties) to prevent socially legitimate but illegal activities, for example by communicating and improving the likelihood of detection through inspection

(Hasseldine et al. 2007). However, such an approach can be counterproductive as it can undermine respect for the fairness of the system and thus reduce voluntary compliance leading to greater engagement in the informal economy (Murphy 2005). The second mechanism highlights the need to intensify desirable legal behaviors and activities (Mathias et al. 2015), for example, through direct and indirect tax incentives. This approach, however, fails to fully resolve the issue of compliance and morality.

It is important to use a mix of hard and soft approaches to eliminate opportunities for immoral employment practices and workers exploitation in both formal and informal contexts (Williams and Horodnic 2016a). Particularly post-global pandemic, designing and implementing inclusive labor market participation initiatives and transforming access to welfare support should become a priority of governments, as much as it was during the Covid-19. Reinforcing principles of fairness might help transform attitudes and behaviors. It might help foster greater trust, belief and commitment to the rules and regulations in the formal economy, which gives workers more protection not only in times of crisis. However, even if individual self-employed actors working on own account outside the regulatory or tax systems can be encouraged to transit from the informal to formal employment, waged actors rarely have much choice because they have limited power to set the parameters of labor exchange) (Manyika et al. 2016; Webb et al. 2019). This is why governments need to intervene and protect vulnerable workers from abusive employers and employment relations through hard and soft approaches. Employers can be incentivized and disincentivized to withdraw from informal practices. They must play their role (voluntarily and legally) in restoring the balance in the exchange of labor to build stronger foundations for fair, ethical, legal and legitimate activities in the labor market.

7.9 Moral judgment and moral imagination

Regardless of whether efforts are placed to improve conditions in formal or informal employment contexts, and whether traditional or flexible work arrangements are being considered, moral judgment and moral imagination emerge as essential prerequisites for any developments focused on fair work and decent employment interventions. The gig work model interrogated in this chapter exposes long lasting consequences of framing business' activities as separate from its moral and social purposes. There is no doubt that a thorough moral assessment of the whole socio-economic employment system is needed before any fairness, equality and security-underpinned innovations can be developed and implemented. To achieve fairer and wealthier societies, fixing old arrangements and proposing new innovations in employment and work organization must be conducted in the spirit of social justice. For that reason, the question for all actors in the labor market is to consider whether gig work and other forms of flexible employment are fit for purpose, sustainable and acceptable. It is evident that when interrogating this complex phenomenon re-integration of economic, political, social and moral aspects is

mandatory. As we observe, priority given to economic logic alone leads to systemic disbalances and exploitations, particularly severely experienced when social welfare and economic systems are poorly, or not at all, integrated.

The Covid-19 pandemic has exacerbated work crisis and accelerated rates of unemployment and under-employment even in the developed countries committed to productive, happy and quality living agenda. Covid-19 has shined the light on the intertwinement of the social and economic aspects of human lives. It showed that resilience of one – feeds the other, but the crisis in one – starves the other. As many commentators recently pointed out, the pandemic caused multiple challenges; at the same time it provided an opportunity to reimagine the future of work and employment. In coming closer to a desirable vision of a fairer society and supportive economy, a strong moral perspective will help to inform solutions to the crisis in the labor market (as well as to other threatening social and environmental problems of today). Following Magill (2015, 91), it is of most importance to place centrally "the fundamental principles of ethics" that unquestionably imply that

> human life is precious, that vulnerable populations should be sheltered, and that social justice provides a moral compass for protecting everyone together.

With moral commitment to change carried in the spirit of social justice and fairness, there is an opportunity to transcend the myopic prerogative of economic growth at all cost. When moral imagination is deployed, a different paradigm can be visualized to inspire future responsible actions even in the moment of crisis, and particularly in the period of post-crisis recovery. If all labor market actors embed ethics and social values in their practices, fair economy could be achieved. Authentic ways to restore and foster conduct and ethos in vocational, professional and business education will have to become essential drivers of such change.

7.10 Conclusions

Flexible forms of work and agile employment arrangements have been featuring in the labor market for a long time. Underpinned by the principles of competitive free market economy, they exemplify unbalanced labor exchange relations, which in most cases benefits employers and leave workers in a disadvantaged position with no job security and insufficient social protections. Exploitation of flexible demand-driven contracting for work by business organizations, at the expense of workers who need to cope with deteriorating work and employment conditions, emerged as key characteristics of gig work. Not surprisingly, across many economic sectors gig work has become synonymous with low quality employment that severely impacts workers' health and livelihoods. The chapter pointed out overlaps between gig work and informal economy, which further puts workers at risk of poverty, injuries and deteriorating mental health. These significant negative consequences for individual workers, their families and communities have been further exacerbated by

the Covid-19 pandemic. The pandemic further highlighted that today's workers are extremely vulnerable and in a desperate need of a greater protection.

However, even before Covid-19, increasingly polarized and casualized labor market, was pushing a growing number of workers into gig contracts because they were unable to find full-time quality work. The chapter discussed that normalization of these fractured employment practices widely spread in both formal and informal settings. A closer look at the evolution of non-traditional employment from contingent into gig work and e-lancing surfaced an unchanged logic of economic greed that propels employers to create competitive advantage by labor savings, which they perceive mainly as cost rather than asset. This very logic drives the extensive use of very short, precarious and informal arrangements irrespective of the production needs. To demonstrate gig's divergence from the justified use of flexible work and employment arrangements, the chapter discussed project work originally used in arts. The examination of unique discontinuous temporary features of cultural production, against today's prolific use of ever shorter repeatable assignments in the model continuous operations, revealed a decline in employers' values. Fundamentally, it reasserted the exploitative logic at play.

Particularly in the context of post-Covid socio-economic recovery, there is a danger of even greater prevalence of precarious forms of employment as businesses desperately try to make up for lost profit. Yet, this new period offers an opportunity to reappraise social aspirations and initiate change. The chapter concluded with possible examples of hard and soft approaches to tackling the crisis in quality of employment. They involve multiple actors and could include legislative, normative and good practice examples. It is hoped that employers, policy-makers and regulators can choose to end workers' exploitation and rebalance their powers in the labor market. Combining the power of regulations with duty of care and a strong sense of responsibility, underpinned by moral and social values, should bring the best effects. Accordingly, employers are asked to shift their attitudes and seriously consider the needs of workers they hire as exploitative employment models are morally wrong and counterproductive. In the longer term, they damage sustainability of the entire work and employment systems in local, regional and global labor markets. Instead, fair employment, dignified working conditions and safe workplaces that offer workers' financial security and protect their well-being, must be seen as worthwhile investment in people and places. The vision of fair and productive economies is attainable, but it calls for all actors, and particularly employers, to deploy moral imagination and act responsibly.

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8

ADJUNCT AND PRECARIOUS TEACHING LABOR IN HIGHER EDUCATION

Eva-Maria Swidler

8.1 Introduction

In the first decades of the twenty-first century, it is clear that work forms outside the waged or salaried are no longer confined to the global South, racial minorities, or other groups often previously seen as not fully incorporated into capitalism. Fiendishly creative predatory labor arrangements creep into locations, communities, and demographic groups previously thought invulnerable, and it becomes clear that it is not only landscaping day laborers or food deliverers who have been swallowed by the gig economy.

Those who had in the twentieth century quaintly been thought of as professionals are now swept into the deskilling, unbundling, and degrading global stampede toward the gig. Specialist physicians from India or scattered within the US contract with teleradiology companies to read x-rays and ultrasounds, lawyers for American corporations operate from the Philippines, and journalists report on US news from other continents. As a "staffing solutions" company says, outsourced journalism is "workable and practical for many companies" (Millionaire Doc 2018; Engardio 2006; Sourcefit 2021).

Academia is no exception to this trend. Part-time professors supplement their teaching income as baristas at coffee shops or more luridly as sex workers, sleep in their cars, and die in scandalously penniless conditions (Gee 2017). The contemporary capitalist models of outsourcing, just-in-time, and franchise have extended so far in academia that not only are university dorms, dining halls, janitorial staff, bookstores, grounds keeping, and computer services often turned over to outside contractors, but even the creation of courses, the recruitment and enrolling of new undergraduates, oversight of research, advising and tutoring of students, student financial aid services and, in online programs, the actual provision of instruction are performed at both public and prestigious non-profit universities by for-profit

DOI: 10.4324/9781003351764-10

companies (Marcus 2021; Kezar et al. 2019; Workday n.d.). But despite the persistent efforts of adjunct activists to claim public attention, including a decade-long wave of books and novels (Kudera 2016; Cebula 2017), the public image of the comfortable professor persists. The populace continues to be shocked by the harsh realities of the gigging majority who make academia tick.

In fact, as we'll shortly see, the strong majority of college professors in the United States today are gig workers. In the worst conditions, they might get teaching offers only days or weeks before the start of a semester, or have a planned course cancelled on the first day of classes without receiving compensation for that lost work. These faculty typically lack all due process in their workplace and live hand to mouth, hustling contracts at a revolving menu of multiple campuses. Others in slightly better situations work full time but live in a permatemp limbo, with renewable short-term contracts or perhaps a few basic protections courtesy of a union. A minority of less than a third of college and university faculty in the United States today have the basic working conditions of a professional.

This chapter will open with a definition of gig professors and an extensive review of the available statistics (with all their many gaps and problems), including a discussion of the increasing numbers of contingent academics and their poorly documented but clearly poverty level of pay. We'll next examine the unbundling of academic work into discrete tasks, a process which enabled the deprofessionalization of the faculty and their conversion to gig workers. Some specific aspects and consequences of the gig academy, including unique wrinkles to its job market, as well as gigging's impact on students, scholarship, and the public, comprise the next section. We close with an examination of the ways in which professional organizations and unionization are posing resistance to gig professordom.

8.2 Terms and Scope

Contingent faculty have gone by many names: lumpen-profs, serfs of academe, gypsy scholars, just-in-time professors, freeway flyers, and teacher temps are but a few of the more colorful terms. In the United States contingent or precarious college faculty – faculty without an open-ended, ongoing position – are most often called "adjuncts" when part-time. Some contingent faculty actually refuse to use the term "adjunct," feeling its original meaning of "peripheral" and "supplementary" belies the reality that part-time "adjuncts" are actually the core majority of college faculty today. Bobbi-Lee Smart, on the other hand, specifically chooses to use the term "adjunct" to highlight the instability and precarity of part-time faculty (Smart 2020). On the other hand, contingent faculty travel by a host of names when full-time: non-tenure track (NTT) faculty, lecturers, instructors, teaching professors, visiting professors, professors of the practice, professors of instruction, clinical professors, and on. What all these faculty share is the state of precarity also experienced by other gig workers, and although I'll use a variety of terms in this chapter, "contingent" or "precarious" faculty are the terms for these workers that might best capture their shared condition of insecurity. Some are hired by

the semester and some with multi-year contracts, some go through formal hiring processes in personnel departments and some are recruited with a phone call from a single department chair, but all have explicitly limited terms of work while carrying out the work of teaching, advising, research, program administration, and more work that historically had been performed by a professional and stably employed faculty.

As the United States seems to unsurprisingly be at the head of the curve of the general corporatization of higher education, it is also a geographic locus for the gutting of what Stanley Aronowitz famously called "the last good job in America" – being a professor. But many places across the globe seem not far behind in their transformation of the work of higher education. Canada has its contract faculty, sessionals, and chargés de cours (Rajagopal 2002), and exposés of wretched and precarious teaching and research conditions target Germany, Ireland, India, the UK, the Middle East, East Asia, and Australia, contingent faculty in each location having their own specific terms and situations while sharing the basic conditions of precarity (Gallas 2018; Teeuwen and Hantke 2007; Gupta et al. 2016). In at least several instances, the international process of replacing secure professors with precarious gig workers seems almost as far along as it is in the United States. This chapter will focus on the United States as a case study, while acknowledging that the process of the adjunctification of college teaching and research is international.

8.3 The Data, Such As It Is

Books about contingent faculty, written by managers, administrators, tenured professors, and adjuncts themselves, have offered how to control them, how to get them to work eagerly, how to make sure students get the best from them despite their appalling working conditions, and how to unionize them (Biles and Tuckman 1986; Baron-Nixon 2007; Beaton and Gilbert 2012; Davis 2017; Berry 2005; Tolley 2018). For decades now, mainstream journalism, from national institutions like *The Boston Globe, The New York Times, Washington Post*, National Public Radio, The Canadian Broadcasting Corporation and *Forbes* magazine to local papers, have written about the destruction of the professoriate. Tellingly and shockingly, however, decent quality statistics are hard to come by. We *can* make confident and strong generalizations about the high proportions of contingent teachers in college and university faculties that have emerged since the trend began in the 1970s and we can assert some verifiable qualitative statements about dismal working conditions and poverty level pay, but as we try to drill down to other important questions, such as the prevalence of adjuncts in different disciplines, different kinds of institutions, or different regions of the country, as well as the nature of their employment contracts or the specifics of their working condition, we come face to face with the inadequacy of the gathered statistics.

The National Center for Education Statistics (NCES), a branch of the US Department of Education, has historically been the main provider of information about faculty in higher education through something known as IPEDS (Integrated

Postsecondary Education Data System). Unfortunately, as Tam and Jacoby point out in their aptly entitled 2009 article, "What We Can't Say About Contingent Faculty," published in the AAUP's bimonthly journal *Academe*, IPEDS' failure to standardize terms or collect pay figures means that even this governmental and seemingly authoritative data base has been, and continues to be, significantly flawed (Tam and Jacoby 2009).

There are predictable and perhaps manageable data complications that result from questions like whether the fluctuating numbers of graduate assistants who teach courses or conduct research should be counted as contingent faculty, or how many uncounted part-time faculty exist who have temporarily cycled out of teaching at an institution *because* of their precarity and vulnerability to course cancellations. (Are they still faculty who should be counted while temporarily unemployed?) There is confusion that results from the practice by some institutions of converting their many part-time faculty into fewer full-time equivalents when answering questionnaires. There are problems that emerge from attempts to compare incommensurable categories, such as the IPEDS category of full-time which is not at all the same as tenured or tenure track faculty, and which has a particularly confusing wrinkle as the proportion of full-time professors who are explicitly *non*-tenure track faculty has gone up significantly over the years. There are full-time non-tenure track faculty who are specifically contingent, such as visiting professors on one- or three-year contracts who work at universities that do offer tenure to others. On the other hand, roughly half of four year institutions no longer have any form of tenure for any faculty, including those professors who are on stable open-ended contracts and are not specifically contingent.

Then there are post-doctoral fellows, particularly in scientific fields, who are on contingent, short-term contracts. These researchers often teach courses and carry out other educational functions by mentoring junior scholars and supervising laboratories, in addition to running research projects for their own mentors; have they been counted as teaching faculty, and how? (In *The Post-Doc Landscape: The Invisible Scholars*, published in 2018, Jaeger and Dinin report that they have counted 37 different titles for post-docs; if you were surveying a research university for contingent faculty buried among the post-docs, how could you even know you had found them all?)

The deepest challenge of all to an accurate tally of contingent college teachers is that many institutions themselves have no idea how many adjuncts are in their midst. For instance, in 1999, organizing graduate students at Yale University had to conduct their own data collection to ascertain how much work was done by contingents. Their study showed (to their own surprise) that only 30% of weekly teaching labor at the undergraduate Yale College was conducted by tenure track faculty. "Since so many adjuncts are hired (and fired) at the discretion of department chairs, without a formal search or application, they leave little institutional trace of their work or employment" (Johnson 2003). Over two decades later, contingent faculty at Cambridge University still had to resort to creating their own surveys, supplemented by legally supported Freedom of Information requests, to

gather basic data to show that nearly half of undergraduate supervision (one-on-one tutorials, a signature of the Cambridge pedagogical system) is carried out by precarious faculty (Cambridge University and College Union 2021).

The function of teaching is widely seen to have been separated (or "unbundled") from tenured positions and turned into contingent employment, but much of the work of conducting research has been severed from tenured positions as well. How do we fit research-only contingent faculty, such as many post-docs but also other researchers off the tenure track, into the data on faculty? (Even Oxford University has recently begun to advertise for contingent researchers, inciting a furor (Ivancheva 2015). Should contingent researchers be counted as adjunct faculty if they don't teach? Not surprisingly, they, like contingent teachers, have proven to be invisible to their own institutions. Kezar et al report that

> (i)n one of the few large-scale studies, Bergom et al. interviewed a total of 123 research faculty at five institutions and found that none of the institutions had reported employing contingent research faculty in their Integrated Postsecondary Educational Data System (IPEDS) data, though the authors conducted interviews and focus groups with these very faculty. They concluded that research faculty are even less likely to be known on their own campuses or reported as part of institutional and federal data, suggesting that their numbers are underestimated. Still, studies of individual institutions with strong data capacity show the research faculty typically doubling and tripling in size over a decade.
>
> *(Kezar et al. 2019, 50)*

And just how many contingent contracts should be mined from the mysterious federal category "other faculty" that comprises 10.5% of the faculty in 2018, according to IPEDS? And so on.

Specifically, the AAUP writes that "we were forced to admit . . . that the widely used count of part-time faculty based on NCES and IPEDS data was likely to be significantly understated." The AAUP gathers its own data as well, but in an analysis of the pay of contingent faculty, their researchers note that despite their best efforts and attempts at rigorous follow up and validation, "data on part-time faculty compensation are inherently messy and unreliable because of the lack of standards for tracking and reporting part-time faculty in general" (Tam and Jacoby 2009; AAUP 2020a).

Similarly, in Canada Karen Foster and Louise Birdsell Bauer tell us that although the data is clear that non-permanent teaching positions in Canadian higher education are increasing, concrete data is very hard to obtain and "curiously guarded," leaving the actual numbers unknown and the experiences of the precarious in the shadows (Foster and Bauer 2018; Smallman 2006). A particularly cynical example of administrative denial of contingent realities in Canada was put out the Council of Ontario Universities. After providing data that only 42% of Ontario's professors are tenured/tenure track and 52% are part-time adjuncts, the Council claimed that

if someone teaches less than two courses at a particular school, this workload is *prima facie* evidence that that person must be merely supplementing his/her income and not pursuing teaching as a career, because no one would be able to support themselves on such a pay level. Ergo, part-time faculty are not exploited (Council of Ontario Universities 2018).

A number of groups composed of contingent faculty themselves, such as the Coalition on the Academic Workforce, the New Faculty Majority, and the Adjunct Project, have attempted to garner stats through voluntary participation and anecdote, as have the US House of Representatives and the trade union the American Federation of Teachers. Although these efforts provide enlightening case studies and qualitative information, they cannot replace high quality statistics.

Out of the morass, we can say with relative confidence that the number of contingent faculty in the United States is over 70% of the faculty at a minimum, and that this number has risen steadily since the early 1970s, with a very slight downtick during the Covid pandemic, as contingent faculty found themselves first on the chopping block at universities in financial trouble. The proportion of instructional staff that was tenured or tenure track in 1969 was 78% (Delphi Project 2013), while in 2016 it was 27% (AAUP 2018). The data is so complicated that the number of *students* taught by tenured or tenure track faculty is even less firmly known, but because so many adjuncts teach multiple courses, estimates are that less than 40% of courses are taught by tenure track faculty (Carey 2020). The chances are that many of those courses taught by secure faculty are the smaller courses taken by upper level students, rather than the large introductory courses frequently taught by contingent professors, meaning that secure faculty would teach even fewer than 40% of students overall.

How did such a transformation of academia take place? For the last 50 years, administrators have simply chosen to hire contingent faculty rather than creating tenured positions or re-hiring to fill existing stable full-time jobs; in one notable instance of the non-replacement of a full-time professor, a reputable university (unsurprisingly, while working with a for-profit elearning company) went so far as to continue to use the online course of a tenured professor for two years after he died, employing a contingent, visiting faculty member to answer emails and grade the assignments of the course's 200 students (Bartlett 2021). Kevin Carey, writing in *The New York Times*, pointed out that "94 percent of the net increase in college professors hired to teach the millennial generation were contingent, meaning off the tenure track," translating eventually into 1.1 million non-permanent faculty members in the United States in 2020. Additionally, despite the obfuscatory attempts of university administrators to say otherwise, it is clear that most contingent faculty are *not* people with other full-time work just teaching a course for a little fun or pocket money, nor are they retirees. "The majority of faculty working on contingent appointment do not have professional careers outside of academe" (AAUP "Background Facts" n.d.).

We can also say with confidence that contingent faculty are grossly underpaid. Pay statistics are even scarcer on the ground than reliable faculty numbers, but the

AAUP has begun collecting yearly compensation figures since 2015 to try to fill in some of the dark spots on the map. According to the AAUP survey, the pay per course for part-time faculty ranges widely within institutions from department to department as well as among institutions, being highest at doctoral universities and lowest at two year colleges, but for 2019–2020 averages $3,556 per course. In another data complication, some per course compensation figures in this voluntary report, based on data from only 360 self-reporting institutions, may include what tenure track faculty are paid for teaching an extra summer course, which is almost universally a much higher level of pay than a part-time faculty member receives for the same teaching. The pay table of this report also includes individual course pays of up to $47,588 for presumably super-star faculty, and those high rates are averaged into the overall part-time faculty pay figures (AAUP 2021).

This pay clearly amounts to a poverty level of subsistence for many adjuncts; in a widely-cited 2015 study written for the University of California Center for Labor Research and Education, 25% of part-time college faculty relied on public assistance (Jacobs et al. 2015). The American Federation of Teachers conducted its own survey in 2020 which confirmed these figures, finding 25% of adjuncts responding to their questionnaire had applied for one or more public assistance programs such as food stamps (SNAP), WIC, Medicaid, or housing assistance. 26% in their survey reported problems accessing adequate decent quality food, and an additional 6% had eaten less in the last year to get by (American Federation of Teachers 2020). Yes, virtually one-third of contingent college faculty are food insecure. The AAUP reports that only roughly 1/3 of part-time faculty get any form of retirement contribution or help toward health insurance from their employer (AAUP 2020a). The staff report "The Just-In-Time Professor" made to the US House of Representatives in 2014 concluded, "(M)any contingent faculty might be best classified as working poor" (House Committee on Education 2014). And while the tangle of designations for contingent full-time faculty may make things murkier than the data tables imply, according to AAUP financial data, full-time non-tenure-track lecturers and instructors averaged less than 50% of the pay of full-time full professors (AAUP 2021).

It is worth noting in an aside here that a kind of so-called market failure is at work in creating these ridiculously low pay levels. The invisible hand would ostensibly make sure that if the price offered for someone's labor goes down low enough, that worker will depart that market to perform other kinds of labor that will pay better. As the supply of workers thus dries up, the price offered for their work should rise again. But in fact, as will be explored further below, adjuncts persist in the teaching and research labor marketplace long after economic theory suggests that they should. So instead of an invisible hand balancing supply and demand around the fulcrum of a price, the less an adjunct gets paid, the more courses they scramble to teach. Thus the less an adjunct gets paid, the bigger the glut of adjuncts on the market, each of them searching to teach yet another class in a semester, just so that they can make ends meet. In a self-reinforcing spiral, pay heads down the toilet.

News articles often casually suggest that an excessive number of PhD graduates are responsible for the rise in adjuncts by creating an overabundant supply of potential part-time faculty. But as Marc Bousquet wrote in 2008:

> We are not overproducing PhDs; we are underproducing jobs. There is plenty of work in higher education for everyone who wants to do it. The problem is that this enormous quantity of work no longer comes in the bundle of tenure, dignity, scholarship and a living wage we call a "job."
>
> *(Bousquet 2008, 40–41)*

Trevor Griffey convincingly parses numbers that suggest that converting all part-time work to full-time work would likely not reduce the total number of people employed in teaching; it would just re-package the existing, scandalously paid, fragmented work back into the better paid and more secure full-time positions that had been fractured (Griffey 2017). (In this article, Griffey additionally argues that opening college teaching jobs to those without PhDs has flooded the market with potential teachers. A lowering of the required qualifications has been an effective tool to undermine tenure by undermining the bargaining power of faculty and increasing the financial incentives to hire cheap teaching labor.)

Finally, we can make some general remarks about the sociological nature of contingent academics, although here the data gets even sparser and more difficult to parse, particularly when it comes to issues of race. Women are over-represented among gig academics, and racial minorities are over-represented, with the exception of Asian-Americans who are steeply under-represented. In a bizarre twist, the overrepresentation of racial minorities among contingent faculty is spun as a plus by Kelly, the temp agency that now is moving into supplying adjunct professors to institutions of higher education. They cheerily tell us on their website page for "higher education workforce solutions" that that 47% of their registered adjuncts "self-identify as ethnically diverse" (Kelly Services n.d.). Among post-docs in particular and in the science, technology, engineering and math (STEM) disciplines, many contingent faculty are international (AAUP 2020a; Finkelstein et al. 2017).

It may be that the success that these previously excluded groups have had in penetrating academia was a cause of reduced faculty status, which made the deconstruction of good jobs more socially acceptable; it has been shown in the case of other occupations that feminization leads to reduced pay and prestige. Or it might be conversely that it was only after gig academic jobs appeared that these undergroups were allowed into the now-lowered-status ranks of academia. In any case, the predominance of elite-status white men (i.e. those graduated from a handful of high prestige doctoral alma maters) in the relatively few remaining tenure track jobs, mirrored by the preponderance of female, racial minority, and working-class institution grads among the academic precariat, is pronounced and predictable. The concentration of the power to set the intellectual agenda of academia into the hands of a tenured professoriat who are now so narrowly and strikingly the alumni of just a handful of upper crust institutions may be the most insidious effect

of adjunctification on American culture (Swidler 2019; Clauset et al. 2015; Piper and Wellmon 2017).

8.4 But Can Professors Really Be Giggers?

The growth of contingent faculty is widely understood as a result of the corporatization of higher education, but fewer authors have spent time analyzing contingent faculty as part of the larger social trend of de-professionalization that affects lawyers, physicians, journalists, K-12 teachers, librarians, and more. These skilled and even expert practitioners are replaced not with an empowered grassroots populace, such as Ivan Illich advocated (Illich 2000), but with technology, an automation of decision-making, and rigid protocols. But unlike other occupations such as doctors and lawyers, who continue to earn high salaries even as they lose independence and flex benefits, college faculty are alone among high-skill professionals in receiving dramatic wage decreases exactly as they are made contingent (Kezar et al. 2019, 37).

It is a rare academic researcher who frames adjuncts as just plain gig workers; professors are assumed implicitly to continue to be professionals, even when on food stamps or sleeping in cars. By focusing specifically on the conditions under which most university faculty work, we can easily see some classic features of gig employment, including piece work payment, *ad hoc* hiring, abrupt expectations of flexibility, and the conspicuous lack of benefits and employer-paid training that would typically characterize a standard or ongoing, open-ended work contract.

Moving from a model of academic professionalism to a gig teaching workforce is a process, and the first step to creating gig professors is the process of de-professionalization and unbundling: the skilled and integrated work of a professional or craftsperson has been separated into discrete tasks, so that these tasks can be farmed out to supposedly less skilled and certainly more controllable specialized workers (Braverman 1974; Noble 1977). In this unbundled academy, what an average member of the public might call "teaching" becomes a prime target for gig work. The American Council on Education, in a chilling document entitled "Evolving Higher Education Business Models: Leading With Data to Deliver Results," lays out a table of the supposed components of faculty work: program design, material development, content delivery, mediation, assessment, and student support services. ("Mediation" apparently means all actual interaction with students, such as holding discussions or having conversations, while "content delivery" means lecturing.) In one model ACE offers for consideration, full-time faculty effort is concentrated in course and assessment design while "other instructional activities are conducted by part-time faculty, professional staff, or vendors." "Using vendors" in this instance means outsourcing "instructional activities" such as lecturing and student interaction – formerly known as "teaching" – to for-profit companies (Soares et al. 2016, 58–60).

A faculty member several decades ago might have expected to advise students, provide career counseling, sponsor student clubs, run international study programs, direct choirs and orchestras, supervise service learning, direct plays, review student

admissions, run a writing center, coach intramural sports, or work in a library, in addition to both conducting research and teaching general education and specialized courses. But now every one of these activities has been spun off into separate positions at many if not most campuses, most of those new jobs being without faculty status, let alone the possibility for tenure. These new non-faculty jobs, under the control of administrators, decrease the number and power of the faculty and locate administrators at the center of the coordinating web, under cover of claims of efficiency. (For a still relevant analysis of unbundling as maximization of control rather than promotion of efficiency, see the classic 1974 article by S. Marglin, "What Do Bosses Do? The Origins and Functions of Hierarchy in Capitalist Production.")

In "Extending Academic Capitalism by Foregrounding Academic Labor," Gary Rhoades points out that the expansion of specifically adjunct faculty similarly extends the power of managers while undercutting faculty power. Via traditional faculty governance structures in colleges and universities, professors used to determine who was hired to teach what, when, and how; by using *adjunct* faculty, who are hired and fired by managers rather than by other faculty, bureaucrats wrested away the control of the faculty over teaching positions, a key maneuver in a recalibration of the power between administrators and faculty in the university (Rhoades 2014).

In this new corporate-style context, the working conditions of part-time faculty are clearly those of a gig worker. They are hired very often on an *ad hoc* basis, sometimes with only days or weeks notice before the start of classes. If their classes are cancelled, quite possibly on the first day of the semester, they rarely receive any compensation. Part-time faculty work almost exclusively on semester to semester contracts, each contract lasting no more than 5 months. They have no guarantee of work the next semester. The strong majority receive no benefits at all, meaning that most do not receive any health insurance or retirement plan. They are expected to provide their own training and professional upkeep, as few universities provide money for adjuncts to attend conferences, and they are expected to provide their own tools of the trade: barring some unionized campuses, institutions might not provide computers, internet, printers or other necessities, even when faculty are teaching online.

In other words, in the new university, all the costs of the production and reproduction of labor are thrown into the laps of the gig professors, who are paid for only the most visible part of their efforts – the time spent in front of a classroom. In the new precarious or gig economy, "The paid part of the life cycle, as well the paid part of the week or day, shrinks continuously as training, surviving, and waiting to labor are moved from paid work to 'private time,' while the *de facto* work done remains the same" (Swidler 2018, 52).

And just as the super-exploitation of gig workers has created an unprecedented concentration of global wealth, with burgeoning numbers of low wage workers funding stratospheric CEO salaries, the use of contingent faculty creates what is known as an "instructional surplus," which is the difference between the revenue

generated by instructors and what it costs universities to pay those instructors. The instructional surplus in the United States is over $125 billion dollars and "[i]n fact, it is the instructional surplus that has made possible the expansion of administration and the excessive spending on sports and other money-losing enterprises" (Shulman 2021). The journalist Ira Basen found that at Wilfred Laurier University in Ontario, while 52% of students were taught by what Canadians call "sessionals" (what we call adjuncts in the United States), only 3.2% of the university's budget was spend on paying those faculty (Basen 2014).

Meanwhile, administrators are amazingly clear on their view of the newly Taylorized and demoted faculty. A captured email from the Dean of the NYU School of Education said of hiring adjuncts, "We need people we can abuse, exploit and then turn loose." A college vice president said to a group of adjuncts, "You should realize that you are not considered faculty, or even people. You are units of flexibility" (Johnson 2003; Petersen 2020).

On the other hand, unlike many other gig workers, some adjuncts apparently continue to hold onto the chimera of some future stable academic job and power themselves with what Herb Childress calls hope-labor – the hope for a "real" academic job some day. Also unlike many other gig workers, many other contingent faculty are fueled by what some call love-labor – they have enough commitment to the mission of teaching or research that they in effect engage in a gift economy. But in the end, like other gig workers, there is essentially no chance of advancement for adjuncts. Part-time faculty are rarely if ever considered for full-time positions, which instead go to newly minted degree holders from a small number of prestigious universities.(Swidler 2019) Ellen Schrecker writes that taking contingent work "usually ensures that someone will never find a traditional faculty job, since such people are assumed to be losers – 'damaged goods,' one adjunct activist calls them" (Schrecker 2010, 205). Although some new academics successfully use short-term full-time NTT positions as a stepping stone to a tenure track job, part-time faculty are effectively segregated into a separate labor pool, forever tainted by their work as adjuncts and without a ladder for any kind of job improvement.

8.5 But Isn't the Academy a Special Case?

Although now a booming sector of the neo-liberal economy, higher education is unusual in its recent marketization. Food, health care, housing – these may be considered human rights by some, but their commodification is taken for granted by the general public. Higher education was until recently, however, still widely seen as a public good, undertaken in the public interest, rather than a business. Kezar et. al. argue that a public good regime still existed in real competition with what they term "academic capitalism" throughout the 1980s and 1990s, but that by 2018 a neoliberal model was dominant, while Slaughter and Leslie on the other hand propose an earlier incursion of a market ethos; they identify the 1980s as the era in which globalization (what we might now term neoliberalism) began to make transformational inroads into the academy (Kezar et al. 2019, 1; Slaughter and Leslie, 5).

In any case, the privatization and commodification of higher education have taken faculty down farther and faster than many other workers in the last several decades; hence the gap between the mythology of the comfortable professor and the adjunct reality is gaping. Angry, plaintive, and resigned books and articles, often containing an extensive analysis of adjunct labor, abound on the hollowing out of higher education by the invasion of a business ethos and corporate management strategies (Ginsberg 2013; Washburn 2008; Hacker and Dreifus 2011).

While it is important to situate the industry of higher education as a bona fide location for an explosive expansion of the gig economy, academia is a *special* case, as well. First, in purely economic terms, as delegitimized professionals, contingent faculty do face some labor market pressures and conditions that are different from those of many gig workers, although every sector of the workforce has its own particularities, of course. Precarious faculty have spent years, and often a lot of money, on obtaining the credentials needed to enter the higher education labor market, but their diplomas often do not translate well into employability elsewhere. Their skills are relatively non-transferrable. They have become a captive labor pool unable to throw in the towel for other realistic options (Light 2021).

Secondly, in addition to suffering from the universal and perverse gig incentive to work harder than secure colleagues to secure continuing employment, ("[I]nsecurity often drives contingent faculty to labor more for less," write M. F. Arrigoitia et al. 2015), the personal and emotional attachment that many academics have to their work has also proven an economic vulnerability for contingent faculty. For some who anticipate a necessarily thrifty life anyway, work as a professor can at least provide a sense of social status to compensate for lean living. For others, the relative self-direction and lack of direct supervision that teaching offers may be worth the trade-off of lower pay, poor working conditions, and lack of stability. For yet another group, a sense of mission is key; working class academics, women, and members of racial minorities often cite the desire to provide a role model or make a difference in the lives of the struggling and working class students that contingent faculty in particular are so often assigned to teach – at community colleges and local, low status public colleges. A July 2021 open letter from a non-tenure track faculty member at the Historically Black College or University (HBCU) Howard poignantly describes how this sense of mission and commitment to Black students keeps exploited contingent faculty at that institution.

And for women in all of these categories, their commitment as teachers is amplified by society's expectations that they provide maternalism and love-labor (Arrigoitia et al. 2015).

What might make academia even more deeply different than other gig economies, beyond occupational specifics or the details of de-professionalization, are the consequences of the stratification of academia for higher education and for the public at large. The effects on public culture of a neo-liberal takeover of higher education and the conversion of college faculty into gig workers are myriad, significant, and particular to the sector. They've been examined at some length in articles and books, but at least a few effects bear repeating here because they are so dire.

At the most superficial level of the experience of students, in the semester by semester scramble for whatever faculty can be found in a gig marketplace, universities sometimes fail. Institutions are sometimes just unable to employ professors with the expertise they need to provide the necessary instruction. At the University of Wyoming, for instance, academic programs have been reduced to granting waivers for students to graduate without required courses (Bendtsen 2021).

Also obvious, perhaps, are the effects on students of a rotating and harried, overworked faculty, a contingent faculty that is concentrated in teaching the most vulnerable students: first year students and the students at underfunded working class institutions who are exactly those who most need abundant faculty time and mentoring. Some research indicates that students are put at risk by having an adjunct professor – studies have found higher dropout rates and less engagement among students taught by contingent faculty. Other research, defending adjuncts against perceived disparagement, counters that these worse outcomes merely reflect the greater difficulties faced by the kind of students who are relegated to be taught by adjuncts. Regardless of the significance of these quantifiable results, contingent and hence transient faculty cannot provide year-after-year mentorship of students, while multi-tasking gig professors cannot supply abundant and accessible office hours or easy availability between classes – there is no serendipitous conversation on the campus lawn and no provision of solace to a frustrated student met in the library elevator. There's a reason why the faculty and academic administrators at institutions that rely on contingent faculty send their *own* children to universities chock-a-block with tenure track faculty (Childress 2019, 15 and 21).

Equally obvious, at least upon reflection, may be the results of the education of most college students by a precarious faculty which is inevitably both censored and self-censoring; today the majority of faculty are not protected by tenure and, in the case of most part-time faculty, have contracts lasting no longer than 5 months. An undesirable adjunct doesn't even need to be fired. They are just not offered a contract for the next semester. Naturally, many contingent faculty avoid broaching in the classroom exactly those difficult subjects that most need deep examination: justice, equality, exploitation.

At its worst, the deprofessionalization of college faculty leads to administratively pre-determined readings, assignments, and even scripted daily lessons. For instance, Rio Salado Community College, a fully online institution in Arizona, employs only 25 full-time department chairs and over 1,000 adjunct faculty in what it calls a "one course, many sections model." The webpage for recruiting faculty informs applicants that "Rio Salado's online courses are fully developed and include syllabus, lessons and assessments" (Rio Salado, n.d.).

In short, an increasingly precarious and deskilled college faculty, often required to enact a canned curriculum, is very poorly positioned as a potential site of support for radical student thought and action, very unlike the campus reality of the 1960s and 1970s.

Turning college faculty into giggers has consequences beyond the campus as well. Just as is the case in the classroom or with students, every year fewer and

fewer faculty members can risk supporting or taking action in the wider world, either. A 2018 study of the fossil fuel divestment movement found that tenured faculty were more likely to sign letters of support for divestment than not-yet-tenured faculty, while adjunct faculty were "severely underrepresented" (Stephens et al. 2018). In this way, the dwindling of the ranks of academically secure faculty members affects not just students but everyone. Public discourse is enriched when people who have spent their lives immersed in a field draw on their expertise to educate, inform, analyze, and speak, whether to their students or to the nation. Where will those voices come from, as the proportion of faculty members serving on conditional contracts continues to rise? (Swidler 2017) The shrinking willingness of contingent faculty to speak out in public on controversial issues affects us all; who will sound the alarm on climate change or on the health effects of fracking? What experts will investigative journalists find willing to be interviewed on discriminatory mortgage practices or the devastating effects of gentrification? Who will be able to spend a lifetime exposing the sordid history of J. Edgar Hoover and the FBI when the crusading tenure track professor dies, when she or he is replaced by rotating piece workers? (Sandomir 2021)

Even a secure faculty would find a dauntingly powerful opponent in the commercial domination of campus research and intellectual life that has resurged since the eviction of corporate sponsorship from campuses in the 1960s; a *precarious* faculty has essentially no possibility of challenging the current power of biotech, defense contractors, and other profiteers in the academy (Soley 1995). Campus funding for research and the development of expertise flows increasingly according to the interests and direction of business funders, if there is no secure faculty to defend scholarship for the public good and to disseminate that scholarship freely.

And in fact, not only are contingent experts likely to shy away from controversial publicity, but experts themselves are shrinking in number. In their 2017 *Chronicle of Higher Education* article "How the Academic Elite Reproduces Itself," Andrew Piper and Chad Wellmon tally data showing that less than 3 percent of PhD-granting institutions accounted for over half of all published articles in the four prestigious humanities journals that they studied. And while the myth marches on of an academic meritocracy, a meritocracy that supposedly awards those jobs that offer time and support to conduct research to those candidates who are most worthy, there has meanwhile been a loss of entire generations of the-scholarship-that-could-have-been from the majority of the faculty. Contingent faculty desperately preoccupied with making ends meet spend far too much of their time grading papers, commuting to multiple campuses, and looking for work, and not nearly enough becoming the kind of expert that a journalist might interview (Swidler 2016). A small fraction of the college faculty is left with the time and conditions conducive to developing deep expertise.

Lest we think that this kind of lost research-that-could-have-been is a luxury we can live without, a newspaper article during the Covid pandemic profiled a contingent faculty member who persisted in her genetic research over decades despite never getting a tenure track position, "instead clinging to the fringes of academia,"

scrounging for facilities and backers, soldiering on despite scorn for her project, and ending up providing the essential genetic mRNA technology for the two most successful vaccines against Covid (Kolata 2021).

8.6 Fighting the Gig Academy

The fight against the invasion of precarity into academia has multiple fronts. Most prominently there are professional organizations that are long-standing advocates for contingent faculty, such as the American Association of University Professors (AAUP) or the Canadian Association of University Teachers. These institutions collect data, issue reports, recommend policy, and offer guidance and resources (AAUP *Background Facts* n.d., CAUT n.d.). There are also major disciplinary organizations, reflecting areas of professional expertise, that have campaigned valiantly on behalf of the adjuncts in their midst. The Modern Language Association (MLA) is one such disciplinary organization that has been a particularly active advocate for contingent faculty. As the professional organization that encompasses the teaching of first year writing classes (aka college composition) as well as basic instruction in foreign languages, the MLA is the professional organization of legions of adjuncts and NTT faculty. Their website contains multiple recommendations for how contingent faculty and graduate students should be employed and treated, and the group seems to be alone in making concrete, frequently updated recommendations for pay levels for part-time faculty, honored vastly more in the breach than the observance. (In 2021, their recommended per course minimum pay of $11,500, for instance, is virtually unheard of in practice (MLA 2021).)

For all their valiance, Donald W. Rogers noted the limitations of the kinds of campaigns such groups can wage. "[T]hese efforts by professional societies and academic institutions put faith in investigation and education to inspire reform of the contingent academic labor system in absence of federal involvement" (Rogers 2015).

Another set of mainstream institutions which have the ability to address the gig academy are the agencies which accredit colleges and universities; unfortunately, although some do recommend minimum proportions of tenured faculty, most accreditors seem minimally inclined in practice to challenge the hiring and labor practices of the higher education institutions they inspect (Henry n.d.).

On a more radical front, contingent faculty themselves have formed national advocacy groups such as the New Faculty Majority and the Coalition of Contingent Academic Labor (COCAL). These groups generate research, organize conferences, sponsor events such as Campus Equity Week, recommend policy, publish newsletters, and provide information on filing for unemployment compensation.

Self-organized groups of contingent faculty have chosen a variety of unions to represent them, including the American Federation of Teachers, the United Auto Workers, SEIU, The United Steel Workers, and Communication Workers of America, and occasionally the unions themselves have initiated organizing campaigns. This fight is active and ongoing; so far unions have made good headway. Between 2013 and 2019, over 100 faculty bargaining units were added to the union

fold in the United States, with over three-fourth of the newly represented faculty being contingent (Herbert et al. 2020). Steven Shulman at the Colorado State University Center for the Study of Academic Labor estimated in 2016 that unionized faculty have increased their pay by roughly 20%. Unionized faculty also sometimes gain longer contracts, at least partial pay for cancelled courses, and accessibility of benefits, as well as improved professional working conditions such as promotional tracks and intellectual property rights.

Ironically, the recent successes in the unionization of professors in the United States have been aided by the move to contingent faculty. An important legal case in 1980 (*Yeshiva vs. NLRB)* ruled that the tenure track college faculty at private universities who were involved in faculty governance were managers and were therefore not protected by the National Labor Relations Act that supports unions. Contingent faculty, however, have little to no access to participation in faculty governance systems and have thus legally remained free to unionize while their numbers swelled: "[t]he low wages, limited benefits, marginalization, and precarious employment status of contingent faculty make it difficult for institutions to successfully argue that those faculty are managerial under Yeshiva" (Herbert et al. 2020, 15).

Although unionizing adjuncts have therefore been largely unhampered by the *Yeshiva* court ruling that had held back the organization of tenured faculty, an NLRB ruling in February of 2021 proposed that if contingent faculty have meaningful voice in faculty governance, they should not be eligible for unionization. "The NLRB's ruling therefore pits, to some degree, adjuncts' participation in shared governance against their potential job security and other collectively bargained working conditions" (Flaherty 2021). And in a new wrinkle, in January of 2020 the National Labor Relations Board removed federal jurisdiction from union negotiations at religious colleges and universities; some religiously affiliated universities have begun derecognizing faculty unions.

While interest in unionization continues to grow among adjuncts, Joe Berry and Helena Worthen inject a tempering note of caution in their book *Power Despite Precarity*. Advocating strongly for contingent faculty unions, Berry and Worthen nevertheless chronicle their experiences in labor unions sometimes downright hostile to adjuncts and lay out what they argue are necessary strategies for building independent power bases within larger official union structures to ensure that adjuncts' own agendas are pursued (Berry and Worthen 2021).

There are also larger problems in looking to unions to redress the corporate and administrative take-over of the academy. Under the National Labor Relations Act, labor unions as we know them in the United States can demand that employers bargain over wages, benefits, and working conditions, all known as "mandatory subjects" of bargaining. All other subjects for bargaining are voluntary. Although clauses about academic freedom or intellectual property have been successfully inserted into faculty labor contracts by claiming them as conditions of employment, the faculty governance of academics at an educational institution – creating curricula, determining academic requirements, program design, indeed

many issues at the very heart of an institutional mission – will not be won through unions. Administrators simply don't have to bargain these issues and it's illegal for unions to strike over them.

Faculty senates or councils, with no *de facto* power and only moral authority, often work hand in hand in a division of labor with unions: the senate addresses academic governance and the union tends to pay and working conditions. Contingent faculty unions can bargain for their members as employees, pressing for dignified work and decent pay and what Berry and Worthen call "the full range of conditions that make it possible to do our jobs well." In other words, unions *can* tackle essential issues, but only within the framework of a workplace fundamentally controlled by someone else, i.e. by bosses who decide what those jobs are in the first place. At the end of the day, in the de-professionalized and adjunctified corporate university, faculty governance of academics exists at the pleasure of administrators and the limited sphere in which unions can legally exert power is unlikely to bring back the faculty power to steer the university itself.

Legislation may prove a fruitful avenue for reducing contingency, as well. In New Mexico, House Bill 289, also known as the College Faculty Minimum Wage Act, was introduced in 2021, requiring all public institutions of higher learning in the state to pay a certain minimum, provide supplies and office space, offer adjuncts participation in their departments, and more, as well as providing access to state unemployment benefits for adjuncts.(New Mexico 2021) On a federal level, the College for All Act, introduced in both the US Senate and the US House of Representatives, provides that at least 75% of instruction at any public college or university be provided by tenured or tenure track faculty (U.S. Congress 2019). And, citing the Illinois Public Community College Act, in December of 2020 the Illinois Supreme Court ruled in favor of a group of full-time, tenured faculty. The faculty had been laid off and then replaced by cheaper part-time faculty in 2016 at a two year community college in that state, and successfully sued (Burke 2021).

Although the case for concerted national legal efforts is a strong one, the law can also be treacherous. Because contingent faculty are generally eligible for unemployment compensation if they have no expectation of future employment, one of my employers recently began issuing notarized letters to adjunct faculty at the end of each semester stating that the faculty member had a "reasonable assurance of re-employment" in the following semester. This letter provides the university with an excuse to deny unemployment compensation, as I found out after filing an unemployment claim and being called to a hearing in Pennsylvania. Yet this letter does not hold the university financially responsible to a worker in any way if work that has been "reasonably assured" does not in fact materialize for the next semester. In another legal twist, at the same university, faculty are no longer officially paid per course. Instead, their pay for a course is presented as hourly pay for the 3 hours a week that they are seen to be teaching a course. This way a faculty member teaching 3 full courses is paid for "9 hours" a week and is a minimal part-time employee, allowing the university to avoid being held responsible for providing health insurance under the Affordable Care Act. The basic protections intended by labor law

are thus circumvented; it remains to be seen whether legal avenues will continue fruitful or whether creative lawyering will close off this avenue of recourse.

As the militancy of part-time adjuncts continues to increase, the next front in the battle may be against the increasing trend of hiring full-time non-tenure track faculty. In 1997, Slaughter and Leslie presciently predicted a worst-case scenario that seems to have come to pass: they speculated that the proportion of part-time faculty would continue to increase for some time until a point of negative returns would emerge. They expected that by the time that the corrosive effects of giggifying the faculty became so dysfunctional that the continued replacement of full-time faculty by adjuncts had to stop, administrators would already safely control departments and planning, having unbundled faculty work and put themselves in charge of the resulting workforce. Then instead of hiring even more part-time faculty, they would begin to hire full-time contingent faculty who would work as teachers on a contractual basis under the control of bosses, rather than as self-governing professionals. Thus would the academy's college faculty be de-professionalized (Slaughter and Leslie 1999, 243–244).

And indeed, reports have documented what Slaughter and Leslie foresaw: a rising proportion of contingent, full-time non-tenure track. The AAUP Annual Report on the Economic Status of the Profession 2018–2019 notes that the proportion of full-time faculty who are non-tenure track more than doubled between 2008 and 2018 in every kind of institution of higher education except two-year community colleges. In 2019–2020, full-time non-tenure-track faculty comprised almost 1 out of 5 (17.6%) faculty members (AAUP 2020b). Observers of the gig economy can venture some good guesses for the origin of this trend.

So many contingent faculty struggle to teach and support their students as best they can: at one university where I teach, which by the university's own statistics is composed of 80% part-time faculty, when the university proposed going to a 90 minute class session per week for a 3 credit course, it was adjunct faculty who vociferously raised the issue of academic integrity. Despite the fact that the faculty would be freed from half of their weekly class responsibilities by this new schedule, it was adjuncts who defended the right of students to 3 hours of weekly instruction in return for their tuition payments. Despite their abject working conditions, adjuncts' concern for their students and for academic integrity predictably rose above the mercenary calculations of administrators, who merely wanted to cut funding for classrooms and buildings. The faculty lost.

But regardless of the desires, skills, and abilities of part-time faculty, the union slogan that teachers' working conditions are students' learning conditions holds firmly true. Part-time faculty who are divided among multiple institutions have only so much they can offer to each workplace and its students. On the other hand, even though underpaid and exploited, full-time NTT faculty are at least tied to one institution and one job rather than juggling several campuses and email accounts, and are provided with offices in which they can meet students, IT departments to trouble shoot tech problems, and salaries to undertake a wide variety of tasks in addition to teaching. Adjuncts on the other hand are unpredictable in availability

and continuity, and as giggers cannot perform the important functions that the dwindling ranks of tenured professors are leaving undone, such as running majors or participating in campus initiatives and programming (Feder 2018). A perusal of help wanted listings in *The Chronicle of Higher Education*, for instance, is shocking in the laundry list of professional tasks that full-time non-tenure track hires are supposed to supply. The piece work nature of the adjunct professor will inevitably create a piece work kind of campus, and full-time NTT professors have been designated to fill the gaps between those pieces of work.

Yet full-time NTT faculty are also poorly paid, overworked, and insecure, with even less flexibility than part-time faculty, while confronting simultaneous high demands that they show loyalty and team spirit. Living in a limbo between the "standing faculty" (as those with permanent rather than fixed-term contracts are known) and the outcast part-timers, the rising numbers of full-time non-tenure track faculty will face a difficult challenge of identity and solidarity with other contingent workers.

8.7 Where Now?

Situating academia and contingent faculty in the gig economy is important. Understanding the economic and political forces at work in the corporatization of higher education is essential. And in the university as everywhere else, it is collective action that gets the goods.

The Institute for Precarious Consciousness has made an excellent case that anxiety is the disciplinary emotional tool that capitalism has wielded against the lower classes in recent decades. The creation and maintenance of economic precarity has been an important material strategy that those in power have used to prevent the building of an effective counter-culture, and at least so far, "current militant resistance does not and cannot combat anxiety." Now "[a]new style of precarity-focused consciousness raising is needed" and a process for that is laid out in the Institute's work. Urging us to take heart, the IPC asserts that "Structurally, the system is vulnerable. The reliance on anxiety is a desperate measure, used in the absence of stronger forms of conformity" (Institute for Precarious Consciousness n.d., 2014). The precarity of adjuncts will call for specific counter-measures and forms of solidarity and communal support, measures that will necessarily have much in common with those other precarious workers employ.

But the inclination that academics have to analyze and foreground structural causes and solutions can also let faculty, administrators, and institutions off the daily hook. There is a series of political positions that anyone can take up and act on (Hohl and Essington 2020), and there are almost endless ways in which just about everyone can take immediate steps to change the situation of precarious faculty, often unilaterally. A dean's office can choose to allot money for professional development for part-time faculty, a department can choose to explicitly invite *all* faculty to attend meetings or to participate on committees and choose to pay them for that work, a Faculty Senate member can advocate to set aside

seats for non-tenure track faculty, a provost's office can recommend raises or make part-time faculty eligible for teaching awards, a library or athletics department can make sure that all faculty have access to full use of facilities, an IT department can decide to provide support and software to part-time faculty. Such actions on the part of all in the university are more than piecemeal and vulnerable improvements, though they are that as well. Grassroots decisions such as these would support the contingent faculty majority's more militant efforts to secure "decent work" – defined by the International Labor Organization, a wing of the United Nations, as "productive work for women and men in conditions of freedom, equity, security and human dignity" (European Commission n.d.) – from those who hold the purse strings. By acknowledging and fully integrating precarious faculty into all facets of campus life as the core faculty they are, the solidarity of all in the academic community can contest the very idea that contingent faculty are "adjunct."

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9

NEW FORMS OF AGENCY OR ATOMIZATION?

Platform Workers' Power Resources and Fragmentation

Heiner Heiland

9.1 Introduction

Platform-mediated work is a particularly vibrant facet of the working world of contemporary societies and 'an early glimpse of what capitalist societies might evolve into over the coming decades' (Sundararajan, 2016: 19). It fits into a general trend of steady growth in non-standard employment (ILO, 2016), and there is a pronounced asymmetry of power between platforms and gig workers. As a result, gig workers are particularly exposed to exploitation. Their income is low and directly linked to the market; social security and workers' interest representation is rare; and the labor process is characterized by heteronomy due to algorithmic management.

Workers' voice and resistance would be able to improve the working conditions of gig workers. However, as Graham et al. (2017: 155) note, 'digital workers have been unable to build any large-scale or effective digital labor movements'. At the same time, however, platform labor is repeatedly present in the media with various forms of protest, and it has been observed that 'platform work has rapidly emerged as one of the most vibrant and exciting areas of labour organising' (Joyce et al., 2020: 1).

Following these divergent views, the chapter analyses the relationship between workers' exploitation and resistance in the gig economy and thus the question of whether and how gig workers succeed in exerting influence on working conditions. The focus is not on the numerous protest events (these are well analyzed in the 'Leeds Index of Platform Labour Protest'). Instead, a structural analysis of the agency of gig workers and what restricts its use is presented. For this purpose, the power resources approach (PRA) is applied. However, this approach describes a potential agency. The gig workers' factual agency, though, can only be analyzed in combination with the subsequent discussion of their fragmentations (legal,

DOI: 10.4324/9781003351764-11

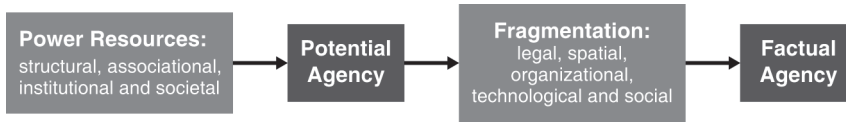

FIGURE 9.1 From potential to factual agency

spatial, organizational, technological and social), which limit the use of their power resources (see Figure 9.1).

9.2 Platform-Mediated Gig Work

While gig work has a long tradition in capitalist labor, this form of work has gained new relevance through the mediation of digital platforms. Since Uber, the ideal type of a labor-mediating platform, started in the United States in 2009, platforms have spread around the world at a rapid pace, supported by large amounts of venture capital. As such, gig work appears as outsourcing by other means. The platforms use 'the spectacle of innovation to conceal the worker' (Scholz, 2017: 21) and allow spontaneous access to labor at any time and of any kind at the touch of a button.

Platform-mediated gig work has a high variance. It ranges from locally linked on-demand labor (such as personal transport, cleaning or delivery services) to locally independent crowdwork, which includes simple, small-scale and unskilled tasks such as filling out questionnaires or sorting pictures, as well as complex tasks such as graphic design or the creation of homepages. As a result, there are fundamental differences in the nature of the various forms of gig work. Nevertheless, the different forms of platform-mediated gig work have structural characteristics in common which suggest that they must be considered as a specific phenomenon. In general, platform-mediated gig work is part of a trend of the 'fissuring of the workplace' (Weil, 2014), and as such it is characterized by 'extreme flexibility, shifting of risks to workers and income instability' (Stefano, 2016: 480) – which in the Covid-19 pandemic led to a further deterioration of working conditions (Howson et al., 2021). In addition, gig work is a pioneer in terms of new algorithmic organization and control of work, which allow the platforms the spatial, temporal and social decoupling of the individual labor processes. Furthermore, there is a transformation of the usually bilateral connections between employers and employees in multilateral relations between platforms, usually self-employed workers, customers and sometimes providers (such as restaurants). As a result, linkages and interdependencies between the various actors change, which influences the workers' respective agency. Subsequently, and with regard to the working conditions, it is important to ask how these specific structures affect the workers' power resources and the utilization of these, which will be discussed in the following.

9.3 Power Resources Approach

Labor relations are characterized by a conflicting interest between the companies and the workers – capital and labor. This is located in structured paths in which each side 'depends on the other while also having divergent wants' (Edwards, 1986). These structures are stronger in established industrial relations and less pronounced in the still young and far less institutionalized labor relations in gig work. In general, the labor side is structurally weaker in this relationship, but it is by no means without power. What specific agency it has vis-à-vis capital is the focus of the PRA, which is 'the most elaborate and most significant attempt to establish a methodology for labour studies in recent years' (Gallas, 2018: 348). Following the work of Korpi (1985), Wright (2000) and Silver (2003), the PRA looks at the various resources that allow workers to assert their interests. The focus in PRA studies is on 'the *strategic choice* in responding to new challenges and changing contexts' (Schmalz et al., 2018: 113, emphasis in original).

At the PRA's core, four different forms of power resources are identified: structural, associational, institutional and societal power. *Structural power* depends on the position of workers in the production process and is based on the interdependencies of labor and capital (Silver, 2003: 13–16; Wright, 2000: 962). It is distinguished into production power and market power. Production power allows workers to disrupt or influence labor processes and thus lend weight to their own interests. It ranges from individual resistance such as sabotage or fiddling to collective strikes. Market power depends on the general situation in the labor market, the individual qualifications and alternative job options of the workers and is based on the replaceability of the workers and the effectiveness of their exit threats (Silver, 2003: 13). *Associational power* is based on the 'power in numbers' (Marx, 1962: 196) and results from the aggregation of structural power resources in the form of collective organizations. Wright (2000: 963–964) differentiates between the institutional sphere of production in which work councils operate, the sphere of exchange for which labor unions are characteristic and the sphere of politics organized via political parties. Material and human resources, efficient organizational structures, participation of members and internal cohesion are necessary for the use of associational power and the formation of effective organizations (Schmalz et al., 2018: 119–120).

In order to take account of established industrial relations, especially in Western countries, *institutional power* was added to this basic framework (Ebbinghaus and Visser, 1999). This refers to institutional achievements such as labor laws, the regulation of wages or co-determination. It results from previous successful uses of structural and organizational power and establishes base lines that in turn frame future interactions between capital and labor. It is a secondary power resource that replaced the use of structural and associational power in many situations and areas (Jürgens, 1984: 64–65).

To be able to include developments beyond companies, the PRA considers *societal power* as well. Societal power is subdivided into cooperative and discursive

power. Cooperative power refers to connections to other social actors and their support. With the concept of discursive power, the public sphere and its 'moral economy' (Thompson, 1971) are addressed in order to convey the general relevance of specific problems, to present solutions and to exert pressure on companies (Chun, 2009).

These different power resources should be seen as a heuristic core. In specific situations, other forms of power resources can be applied – for example, logistical power through blocking choke points in the production process (Webster et al., 2008: 12). Thus, the PRA cannot be applied statically but requires consideration of the specific political and social contexts in each case (Schmalz et al., 2018: 124). Furthermore, it focuses in particular on collective, trade union and often institutionalized conflicts. Less attention is paid to individual forms of workers' resistance as well as to those that are based on local and spontaneous social movements. Moreover, the analysis of power resources only points to potentials for agency and not necessarily to its effective use, which has to be achieved in practice (see Figure 9.1). Additionally, it is evident that power is relational and that the workers' agency depends not only on the power resources available to them but also on the actors situated vis-à-vis them. For example, dockworkers have historically had distinct power resources that have been significantly constrained as a result of various initiatives by companies (Gekara and Fairbrother, 2013). Located at a critical point in logistical processes (structural power) and well organized (associational power), dock workers were able to push for improvements in pay and working conditions and to use their agency on behalf of other workers. However, as a result of digitalization, most of the jobs can now be done remotely on a computer. Hence, most of the workers' power resources still exist, but the possibility of using them has been devalued. The reasons for such developments are various processes of fragmentation, which will be examined next with regard to gig work.

9.4 Fragmentation in Gig Work

In the following, fragmentation is understood as the active undermining and prevention of collectivization of workers, who consequently experience isolation and are unable to use the power resources available to them, or only to a limited extent. In the case of gig work, legal, spatial, organizational, technological and social fragmentation exist (Heiland, 2020: 17–27).

9.5 Legal Fragmentation

Legal frameworks determine the institutionalized forms of workers' agency. Gig workers are usually self-employed – even if the validity of this classification is questioned (Cherry, 2016; Prassl and Risak, 2016; Stefano, 2016). Gig work fits into a general trend of an escape from employment law. The business model of most platforms is based on the assignment of jobs to self-employed workers and not on the

employment of these workers, as, for example, the platform company Uber openly communicated in the course of its IPO: 'Our business would be adversely affected if drivers were classified as employees instead of independent contractors' (Uber, 2019: 13). Furthermore, the consequences of reclassifying workers as employees are stated by the company:

> [W]e would incur significant additional expenses for compensating Drivers, potentially including expenses associated with the application of wage and hour laws (including minimum wage, overtime, and meal and rest period requirements), employee benefits, social security contributions, taxes, and penalties. Further, any such reclassification would require us to fundamentally change our business model.
>
> *(Uber, 2019: 28)*

Due to their classification as self-employed, gig workers are not covered by labor law, so they cannot benefit from its protective and participatory mechanisms.

9.6 Spatial Fragmentation

Gig work is dispersed either in urban or in global spaces. It is, thus, in the case of local on-demand labor only limited and in the case of crowdwork not at all bound to specific spaces. Platforms are therefore workplaces without walls. This dissolution of a unified working space makes it difficult for workers to get to know each other and to exchange ideas so that a shared social identity and 'cultures of solidarity' (Fantasia, 1989) are difficult to develop, and, as a result, collective resistance becomes unlikely.

Spatially unbound, crowdwork is particularly fragmented. Random contacts with other gig workers are impossible, and dialogue must be actively sought and is limited to a few forums so that crowdworkers feel isolated from other workers (Wood et al., 2018). Therefore, 'organising those who work online is a much more difficult challenge as these workers are harder to identify, reach and unite' (Lenaerts et al., 2018: 71). Moreover, institutions and structures of collective bargaining are usually limited to national spaces so that crowdworkers can hardly use this option due to spatial fragmentation. This is not the case with local gig work, where spatial fragmentation is limited (Heiland, 2021a). Meeting, organizing and mobilizing workers are therefore possible in principle but difficult. Even if these gig workers operate in the same urban space, they usually do not recognize each other. Only those who work in recognizable uniforms or sometimes meet at specific places have possibilities to communicate with each other (e.g. food couriers or workers in ride-hailing).

9.7 Organizational Fragmentation

Modern societies create interdependencies between their parts and require cooperation between their members – especially in labor processes. This cooperation creates social relations between workers, which are the basis of collective action. As a

result of using digital technologies, work is being reorganized, especially gig work. Platforms standardize, modularize and codify labor processes so that, for example, jobs are divided into smaller subtasks (Malone et al., 2011) or can be coordinated automatically. This affects the social relations of the workers, who no longer have to cooperate and thus interact less with each other. They are confined to their individual tasks as the planning and coordination of work are separated from its execution in a traditional Taylorist manner. This 'drastically increase[s] the number of individuals and thus the degree of diffusion on the worker side' (Lehdonvirta, 2016: 68), although this is less true for higher-skilled gig work (Shao et al., 2012).

Moreover, gig workers are not only atomized but are also in direct competition with each other. The platforms organize internal markets where workers compete for orders or working hours on the basis of their work performance, customer ratings or reliability (Heiland, 2019a, 2021b). This undermines the likelihood of collective action and reduces the willingness to strike as non-compliant actions have a negative impact on their individual status. For gig work, therefore, '[r]eputational systems are the most effective mechanisms of control in this environment marked by non-proximate low-trust labour relations' (Wood et al., 2019: 939). In addition, as a result of the tripartite nature of labor relations, gig workers are often subject to 'management by consumers' (Fuller and Smith, 1991), resulting in additional emotional labor (Gandini, 2019: 1047; Heiland and Brinkmann, 2020: 130; Ticona et al., 2018: 40).

9.8 Technological Fragmentation

The emergence and mass distribution of digital technologies are a central precondition for the emergence of gig work. Only since PCs, smartphones and the internet have been available to the majority of the world's population have platforms been using them to access a large pool of labor and coordinate and control it automatically and in detail. Marx already described that with the spread of 'machine-like production', the labor process is increasingly coordinated 'by technical application of mechanics, chemistry, etc.' (Marx, 1962: 401). This also applies to later technologies and especially to algorithmic management, which is widespread in gig work and restricts the workers' agency.

Algorithmic management assigns, optimizes and evaluates human jobs through algorithms and tracked data (Lee et al., 2015). In gig work, it primarily distributes jobs to the workers and controls their execution – a task usually carried out by middle management. The result is minimized human-to-human communication, which is largely replaced by face-to-face interactions. However, this prevents not only the emergence of workers' voice but also possible resistant practices of the workers. Algorithms cannot be used for discussion, and the numerous informal practices that are common in organizations and especially in labor processes are replaced by formal digital interactions. As a result, for example, 63% of food couriers in Germany stated that they very often or often feel at the mercy of technology – only 10% said they had not had this experience. In contrast, only 39%

of German workers in general experienced this feeling (Heiland, 2019b: 302). And for microwork, a platform manager explains: 'The time you spent looking at the e-mail costs more than what you paid [the workers]. This has to be on autopilot as an algorithmic system' (Irani, 2015: 229–230). This digital control creates pronounced information asymmetries, which only successively provide the gig workers with a few necessary details regarding the individual assignments and allow the platforms a comprehensive overview of all workers and their individual actions and performance. Collective action by the workers is thus made more difficult and can be directly sanctioned by management, for example by denying access to the platform.

9.9 Social Fragmentation

Another challenge for the emergence and establishment of workers' voice is the social fragmentation of workers caused by their high heterogeneity, the pronounced fluctuation and the often predominant part-time character of this type of labor. For many workers, the earnings generated by gig work are not the primary source of income (Berg, 2016; Eurofound, 2019; Eurostat, 2016; Hall and Krueger, 2018; Heiland, 2019b; Huws et al., 2017; Pesole et al., 2018) – which in most cases would not be possible given the limited amount of assignments and working hours. As a result, for many workers, articulating discontent is not a focus. The use of their voice is also contrasted with 'voting with the feet' in the form of the low-threshold exit option.

The resulting high turnover is a challenge for the platforms and for any organizing efforts of the workers. For example, 86% of the couriers interviewed in Germany saw their work situation as a reason for workers' voice. However, only 31% of the same sample could imagine doing the same job in five years' time, and 51% were already actively looking for another job (Heiland, 2019b: 302). The result is a high fluctuation of workers. Moreover, especially those workers who have a higher economic dependency on this source of income remain on the platforms for a longer period of time. On the one hand, they have a greater interest in improving working conditions, but on the other hand they have more to lose, which potentially limits their willingness to use their voice. The proportion of people with a migration background is also often particularly high. However, they often have limited knowledge of their rights (Stewart and Stanford, 2017: 428).

Furthermore, gig work is a very diverse phenomenon. For instance, highly qualified crowdworkers who use platforms not only as a source of income but also for personal development and for gathering experience (Schmidt, 2017) are fundamentally different from dispersed low-skilled crowdworkers who compete with each other globally. Moreover, the individual groups and workers on individual platforms are equally diverse (e.g. Hua and Ray, 2018; Pongratz and Bormann, 2017). Such heterogeneity is not new in the field of atypical work (Hyman, 1995), but it is nevertheless challenging for the formation of common identities and interests. This heterogeneity is also reflected in the diversity of the workers' demands.

Thus, younger occasional workers have an interest in short-term improvements such as health and safety at work or support in the maintenance of their work equipment, whereas workers with an interest in a full-time job and longer perspectives are more likely to advocate 'longer-term benefits such as holiday pay, pension contribution, and income protection in case of illness' (Prassl, 2018: 17). As a result of gig workers' social fragmentation, they are often not interested in representation – partly because they already see their interests safeguarded in their other employment relationships and show no interest in supplementary representation (Eurofound, 2018: 33; Wang et al., 2017: 2215).

In summary, the diverse and pronounced types of fragmentation make gig workers a very heterogeneous social group with little legal protection, who in most cases work in isolation and have little opportunity to interact with each other.

9.10 Gig Workers' Agency

In order to adequately discuss the agency of gig workers, it is necessary to analyze both their power resources and their fragmentation. At least on paper, unlike many other precarious casual workers, gig workers have a certain amount of productive power arising from the transformed interdependencies entailed by multi-sided relations on platforms. These connections between different actors can lead to positive network effects where the growth of customers, providers and workers are mutually reinforcing – for example, if more companies put tasks on a platform, it becomes attractive to more workers, which in turn increases the value of the platform for companies. This is the main reason for the rapid growth of gig work platforms, but also their greatest weakness if this effect is reversed and platforms implode within a short time (Heiland, 2020: 7–9). Gig workers thus have a pronounced *production power* that not only allows them to disrupt the labor process or its facilitation but also endangers the business model of the platforms in view of the danger of negative network effects. This power resource is reinforced by the common self-employment of gig workers. For what the platforms reduce in terms of complexity by outsourcing labor and transforming workers into an external factor with variable costs is reconstituted in terms of increasing complexity in the coordination and control of labor and the labor process itself. Self-employed gig workers bear the business risk because their earnings depend on the order situation, but this also allows them to turn their backs on the platforms from one day to the next.

However, this potential power is prevented from being realized as a result of the usually low *market power* of gig workers. Especially in Western countries, the employment rate has increased in recent decades, but this is largely driven by precarious employment relationships, a trend identified as 'precarious full-time employment society' (Brinkmann and Nachtwey, 2014). How the Covid-19 pandemic will affect this is not yet foreseeable at the present time. Before this, however, a trend became apparent toward an increasing spread of hybrid employment strategies among workers (OECD, 2019). As a result, the dissolution of normal employment relationships and the increasing inclusion of groups that were previously

inactive in the labor market offer platforms the possibility of being able to draw flexibly on a sufficiently large pool of labor – known as the 'reserve army mechanism' (Marx, 1962: 664). This is especially true for low-skilled crowdworkers, who compete with each other globally, so that, for example, the supply of labor on some platforms sometimes exceeds the demand by a factor of ten (Graham et al., 2017). Global competition also undermines the potential market power of higher-skilled gig workers. Local platforms, on the other hand, rely on a regionally limited pool of labor, so depending on the constitution of local labor markets, the effectiveness of platform control mechanisms or even collective action by workers can vary significantly between different cities (Heiland, 2021b).

Additionally, power resources are only potential possibilities for action (see Figure 9.1). In the case of gig work, the realization and effective use of potential structural power resources are limited by the pronounced fragmentation of gig workers. Structural power in particular is based on the workers' collective action. But spatial, technological and organizational fragmentation prevents the emergence of communities and 'cultures of solidarity' (Fantasia, 1989), which are the preconditions for collective action. This is countered by online forums and chats, which are widespread among gig workers of various kinds (Brawley and Pury, 2016; Heiland and Schaupp, 2021; Lehdonvirta, 2016; Yin et al., 2016) and serve as an alternative to exchange on the shopfloor. However, locally independent gig work shows that the communication channels are usually differentiated according to the workers' nationalities (Lehdonvirta, 2016; Wood et al., 2018), so transnational collective action is unlikely. Furthermore, a large proportion of workers are not aware of this possibility of mutual exchange and support (Berg et al., 2018: 80). When used, though, online forums and chats often focus not on interest representation but on a shared sense-making of the platforms' algorithms and structures to maximize the individual earnings (Wang et al., 2017). In locally bound gig work, on the other hand, digital communication channels sometimes prove to be the nucleus of collective action, enabling the use of structural power resources (Chen, 2018; Heiland and Schaupp, 2021). This is especially true in food delivery and ride-hailing, where analogue contacts exist among workers. Digital communication is thus not a functional equivalent to its analogue counterpart for utilizing structural power resources. But it can be either a valuable supplement or a surrogate in the face of otherwise completely absent communication channels.

Besides, the PRA assumes homogeneous interests of the workers, which is not the case in practice. The heterogeneous social structure of gig workers as well as the diverse roles and relevance this work has for them makes the definition of common goals among the workers unlikely. In conclusion, in terms of structural power, the specific constitution of gig work simultaneously generates production power as well as its devaluation due to a lack of market power. In addition, the realization of this potential agency faces great challenges due to spatial, technological, organizational and social fragmentation.

In view of the heterogeneity, constant change and novelty of gig work, collective organizations of gig workers have only developed in isolated cases so far, so

the workers' *associational power* is limited. This is also a result of legal fragmentation, which restricts the participation rights of workers as a result of their independence, so, for example, work councils usually cannot be elected at the level of individual platforms. In many countries, there are also antitrust laws that identify any associations of self-employed gig workers as cartels that exert unauthorized influence on the market (Lao, 2018; OECD, 2019: 20).

Traditional trade unions are often reluctant to engage in this field given their limited resources, the often still small scale of the phenomenon and the challenges of mobilizing and organizing gig workers. Moreover, self-employed workers are not part of their traditional target group and 'unions have difficulties in adapting their representation model to the specific needs of self-employed workers' (Lodovici, 2018: 12). Accordingly, so far mainly isolated initiatives can be observed, especially from European trade unions (Heiland, 2020: 38–40).

This associational vacuum is often filled by 'alt labor' unions and movements, especially in locally linked gig work. This 'improvisational unionism' (Oswalt, 2016), which is 'typically modest in size, with few staff and limited financial resources' (Milkman, 2013: 656), often focuses on precarious labor relations with direct industrial action and intensive use of social media. Examples include the Independent Workers' Union of Great Britain (IWGB) or the YouTubers Union. Such groups create individual forms of associational power for gig workers, but they usually have few members, very limited resources and often no collective bargaining rights. Although they are seen as complementary rather than substitutes for traditional actors (OECD, 2019: 215), for many gig workers they are the only organizations representing their interests.

Beyond that, new forms of associational power are emerging in gig work that are not primarily based on the bundling of structural power resources. For example, mutual aid societies exist in some cases. In Belgium, for example, there is the organization Société Mutuelle pour les Artistes (SMart), which offers food couriers social security and support in exchange for a share of their revenues (Drahokoupil and Piasna, 2019). Another example is the Freelancers Union in the United States, which offers health insurance and advocacy for self-employed in general and also gig workers, including concrete cooperation with individual platforms (Murphy, 2016).

There are also various forms of counter-evaluation. For example, the website Turkopticon tries to offer workers of the Amazon Mechanical Turk platform the possibility to balance information and power asymmetries by enabling the workers to evaluate the clients in return and thus possibly improve the quality of future tasks (Irani and Silberman, 2013). However, the scope of this application is limited so far (Wood et al., 2018: 98). Similarly, the website faircrowdwork.org reviews the working conditions on crowdwork platforms based on workers' assessments (Silberman and Harmon, 2017). And the Fair Work Foundation (Graham et al., 2020), which ranks different gig work platforms based on interviews with workers and platforms, is continuously expanding its scope to other countries and platforms.

Regulation of gig work by governments has so far been implemented only with hesitation, if at all. The reason for this is, on the one hand, the lack of political

majorities of the respective parties. On the other hand, governments are reluctant to act 'to avoid regulating platforms "too early", while promoting socially responsible practices' (Chagny, 2019: 22). In 2017, the Nordic Council of Ministers stated that 'all the actors . . . [are] cautiously avoiding taking steps that might obstruct the development of the sharing economy' (Dølvik and Jesnes, 2017: 35). According to this, there are only few national legislative initiatives that explicitly aim at platform labor, and these are usually very restrained in design (e.g. France's labor law reforms in recent years or Spain's 2021 regulation of delivery work).

Following the principle 'don't ask for permission, ask for forgiveness', platforms establish their new business models, whose success subsequently serves to legitimize the creation or use of regulatory grey zones. As a result, '[l]abor laws have not kept up' (Kennedy, 2016), so the *institutional power* of gig workers is limited and based solely on already established and unspecific regulations. Legal fragmentation excludes self-employed gig workers from many of the protections of labor law and institutions of collective bargaining, which 'leaves self-employed workers "free" to (individually) defend themselves in the market and not (collectively) from the market' (Biasi, 2018: 372).

In the absence of regulation, gig workers and trade unions regularly call on the courts to clarify the status of workers or to enforce improvements in working conditions (López, 2019). Such 'judicialization' is usually a case-by-case approach and leads mainly to individual successes that cannot be generalized, sometimes produces contradictory results (Eurofound, 2018: 45) or is averted by the platforms through individual economic agreements (Tippett and Schaaff, 2018).

A precondition of institutional power resources is the existence of effective institutions, so the agency of gig workers differs greatly between different countries in this respect – with, for example, stronger institutional power in the traditionally coordinated market economies of Scandinavian countries (Jesnes et al., 2019). Moreover, this power resource is mainly available to locally bound gig work. Crowdwork, on the other hand, is usually spread across different jurisdictions, which 'makes it difficult to monitor compliance with applicable labour laws' (ILO, 2019: 44). Platforms link 'themselves to the local to concentrating reward, and retreat to their ephemeral digital dualisms when abdicating responsibility' (Graham, 2020: 2). Also, they are often able to formally switch jurisdictions through 'regime shopping' and thus evade regulation.

Gig work can therefore draw on only a few non-specific institutionalized rights. Moreover, the limited institutional power resources are in most cases only applied individually and not collectively. Apart from that, gig work is a step toward a 'post-corporate society' (Davis, 2017), which is also taking hold in other areas and devaluing workers' institutional power resources. Thus, trends of an escape from employment law and an individualization of employment relations manifest themselves, so through gig work the category of the enterprise and the employee loses significance and with it the labor law that is based on them. If '[e]verywhere there can be a platform, there will be a platform' (MIT, 2018: 2), or even if platform models become increasingly prevalent in other areas, this will be accompanied

by a re-commodification of work and an increasing number of workers will be excluded from established protection rights.

Since their emergence, platforms and gig work have received a lot of attention. This provides a soft and indirect but nevertheless potentially effective resource of power. Media coverage often highlights poor working conditions and criticizes the platforms. The *discursive power* is therefore primarily on the side of the workers and is sometimes deliberately built up as such. For example, the Dynamo platform aims to create public awareness of and for workers of Amazon's Mechanical Turk platform and to draw attention to working conditions – for example, by means of concerted and public letters to Amazon and its CEO (Salehi et al., 2015). However, it turns out that such a moral economy does not necessarily lead to critical actions by consumers and '[u]sers tend to be more supportive of platforms and, hence, they may be unmoved by much criticism aimed at gig work' (Healy et al., 2020: 14). And to what extent such campaigns and generally critical public discourses even materialize in direct improvements of working conditions through the platforms is difficult to access. However, it is striking that alternative platforms that specifically focus on good or even self-determined working conditions (e.g. as cooperatives) exist only sporadically and locally, so it can be assumed that the media discourse has only limited negative effects on the demand for gig work.

In addition to such critical publicity, discursive power is deliberately built up and exercised. In Germany, for example, a trade union and nine crowdwork platforms agreed on guidelines for fair work in a code of conduct and subsequently on an ombuds office for its implementation and the settlement of labor disputes. In addition, the Fair Work Foundation is an organization that analyzes and evaluates the working conditions on a large number of different platforms by means of interviews and desk research and thus makes best and worst practices visible (Graham et al., 2020).

Such public-facing initiatives can be important complementary power resources for gig workers. But they also express the asymmetrical power relations. Sustainable improvements in working conditions can be pushed through public pressure, but ultimately the voluntary participation of the platforms is still necessary. So far, only the German ombuds office exists as an institution that not only sets standards but also actively and bindingly resolves conflicts. Here, too, only nine small platforms participate voluntarily.

9.11 Conclusion

Labor relations are specific social relations with specific structures. The power resource approach is an effective means of analyzing these structures and thus the agency of workers. However, as outlined earlier, it must be taken into account that power resources are only a potential agency on paper whose realization does not materialize naturally (see Figure 9.1). For a feasible assessment, different types and forms of workers' fragmentations that impede or even prevent the use of power resources must be examined.

Gig work is generally a precarious non-standard work. It is well known that such forms of work have few power resources and are highly fragmented, so workers' voice is rare (Bonner and Spooner, 2011; Cobble and Vosko, 2000; Wills, 2005). At the same time, platform-mediated gig work has specific characteristics. As shown, due to the multi-sided interdependencies on platforms, gig workers have a distinct production power potential, but its collective use is difficult to realize due to the pronounced fragmentation and the lack of other power resources. This perspective also explains the picture sketched at the beginning, according to which there are no large-scale labor movements in gig work but at the same time many protests. In view of legal fragmentation and thus low institutional power, protests are an apparent response to poor working conditions. Technological, organizational and spatial fragmentation, however, render the establishment of social contacts and the realization of protests a challenge, and social fragmentation makes it difficult to build long-term and unified associational power. The fact that protests by gig workers are most pronounced in the areas of ride-hailing and food delivery is due to the local and temporal ties of this type of gig work, the rather high production power and the relatively low fragmentation.

It should be emphasized that the power resources of gig workers are distributed very differently according to place and qualification. Globally distributed gig work usually has fewer power resources and is more fragmented, and in the case of location-based gig work, the specific location is also decisive, which is associated with different institutional power resources depending on the country. Higher qualified gig workers, on the other hand, possess exit options and use the platforms not only as a source of income but also for personal development and for gathering experience.

With regard to the future development of gig workers' agency, two trends should be considered. On the one hand, there have been examples in the recent past of platforms not using self-employed workers but instead employing them (e.g. Instacart, Munchery, Alfred, Book A Tiger, Foodora, Lieferando). In doing so, they leave the characteristic gig work model and integrate themselves into the established structures of labor relations. However, this does not turn platform-mediated work into 'good work', but it does open up new options as well as restrictions for the workers. The platforms thus secure greater control over the labor process and the reliability of the workers, who are no longer bound to the platforms by incentives but by employment contracts, so they can only realize their exit option indirectly. On the other hand, the workers are no longer directly exposed to market events through their employment and various forms of institutional power resources are available to them, such as labor law and, thus, sometimes co-determination options such as the election of a works council or similar.

On the other hand, it is still true for the majority of platform-mediated work that its business model is based on the workers' self-employment. An increasing expansion of this gig work model to other areas is possible and, in some cases, already reality. The consequence of this is an escape from employment law and thus a structural reduction of workers' protective rights.

It is unclear at the moment how these trends will develop. We are either seeing an institutionalization of gig work or an expansion of its model. It is likely that both tendencies will develop at the same time, depending on the extent and use of power resources and the overcoming of workers' fragmentation, and thus possibly also along the varieties of (platform) capitalism. Nevertheless, gig work is a catalyst for the transformation of workers' power resources, and it remains to be hoped that workers will overcome their fragmentations and use their potential agency, while further analysis will help to understand agency and exploitation in gig work and its multiple manifestations.

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PART III

Global Case Studies of Platform and Informal Labour

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TRANSPORTATION WORKERS' MOBILIZATION AGAINST THE GIG ECONOMY

Korea

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10.1 Introduction

In the mainstream the term "platform work" is used often with relation to the so-called fourth industrial revolution or jobs of the future (OECD 2019). It is argued that new technologies such as digital labor platform and algorithm allow for new business models and innovative ways of working to emerge, providing more flexibility to both employers and workers. Against this trend, Uber – an icon of platform economy – has been sued for misclassification of employment status of drivers in many countries (International Lawyers Assisting Workers Network 2021). Perhaps significantly, Amazon outright borrowed the term "Mechanical Turk" from an eighteenth-century automation chess player – a human chess master hiding inside the machine.

While the "new" of gig economy is found mainly in the rule of the labor market, it can be looked into as an enhanced mode of the "old" exploitation of labor. Platform work in road transport sector is the case. It is not a coincidence that the location-based platform work has emerged first and foremost in the transport sector, including taxi and delivery service (ILO 2021).[1] The road transport sector is one of the fastest-changing industries undergoing transformation in the world of work. Globalization, new technologies, and the prevalence of e-commerce have led to job creation but have also brought along negative consequences for working conditions. The increasing use of subcontracting has created an industrial structure marked by a succession of contracts to provide goods or services for a principal organization – "supply chains". The succession of contracts is not simply the result of uncontrolled subcontracting; rather, a supply chain is a network with contract conditions and oversight so that the principal can retain control of the quality and timeliness of the goods provided (Quinlan 2011).

DOI: 10.4324/9781003351764-13

For example, supply chain actors such as Amazon operate as de facto employers for truck drivers who work at the bottom, largely dictating rates and conditions for the work they contract out. Nevertheless, the principal could avoid employer's responsibility as there is no employment relationship found. In cases of platform work, many jurisdictions have difficulty in applying labor regulation to such workers as digital labor platforms frequently disguise those behind a formality of "independent contractor". This tactic had been used for decades in many countries; thus, workers in the gig economy may share some common issues faced by another type of non-standard workers, namely those in "disguised employment relationship" or those in "contractual arrangements involving multiple parties" (De Stefano 2016).

This chapter suggests that the externalization of employer responsibility and proliferation of precarious work are two sides of the same coin, with a case of the Korean road transport industry. It further explores how trade unions could address these challenges, with an example of organizing of owner-operators and platform workers in Korea.

10.2 Changing industrial structure of road freight transport

The Korean road freight transport sector is characterized by a multilayered structure of sub-contracting and the widespread use of owner-operators. Figure 10.1 describes the industrial structure of the Korean road freight transport sector.

At the top, "transport buyer" refers to any individual or business that commercially contracts road freight that is necessary for its business performance. Under the

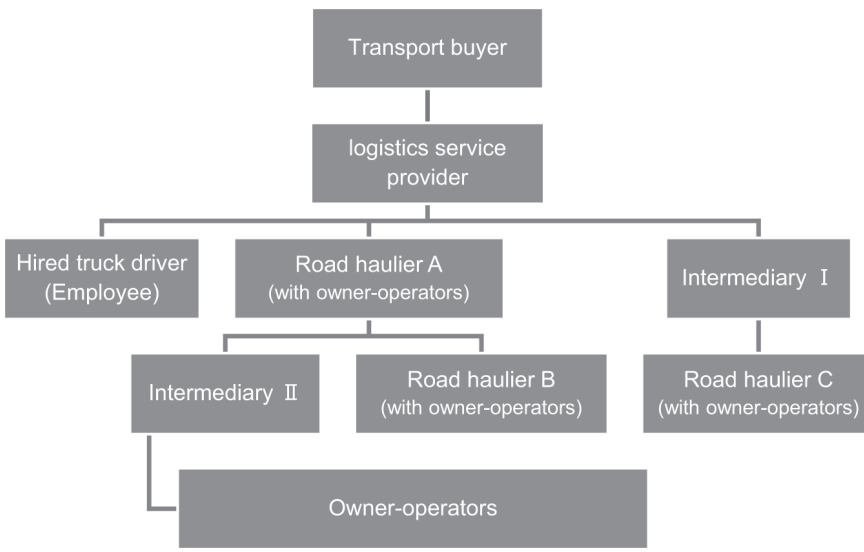

FIGURE 10.1 Industrial structure of the Korean road freight transport sector

Sources: Author's own development

level of transport buyer, "logistics service provider" refers to a party that dispatches shipments for individuals or other companies via road hauliers and arranges space for these shipments. A "road haulier" refers to a business carrier that hires commercial motor vehicle (CMV) drivers – whether wage-earning or owner-operators – and whose main activity is to transport freight.

Let's take a look at Figure 10.1 and the example of carriage of automobiles. Hyundai Motors (transport buyer) entrusts the automobile logistics to Hyundai Globis (logistics service provider), which is a subsidiary of the Hyundai conglomerate. Hyundai Globis usually concludes a contract of carriage with Road haulier A (so-called primary subcontractors). If the freight volume exceeds the volume of Road haulier A, Hyundai Globis uses Intermediary I as freight forwarder. Road haulier A usually performs the carriage with using owner-operators, but often contracts out again to Road haulier B (so-called secondary subcontractors) or Intermediary II. All road hauliers use mainly owner-operators.

Deregulation policies of the Korean government played a big role in shaping the industrial structure as described in Figure 10.1. Since the 1990s, the government has conducted a series of deregulations, including the abolition of entry barriers to the road freight transport sector and the liberalization of freight rates, with the aim of facilitating competition. For instance, after 1998, the minimum number of trucks for forwarding licenses was reduced from 25 to five, and after 2005, to one. As a result, the number of small-sized road hauliers that cannot receive a contract of carriage directly from transport buyers has increased. As of 2019, small road hauliers of 20 or less trucks amount to 63.9% in freight transport companies, which comprise five or less trucks (32.5%), five to 10 trucks (15.8%), and 10 to 20 trucks (15.6%) (National Statistics Office 2021). As small hauliers are incapable of getting a contract of carriage with transport buyers directly, they mostly depend on subcontracting from bigger companies and intermediary companies. A survey in 2020 found that the level above the tri-level of subcontracting accounted for 20.3%, although such cascade subcontracting was illegal (Korea Transport Institute 2021).

Additionally, the government legitimated previously illicit practices of the trucking transport business in the use of owner-operators. Before 1997, it was illegal for hauliers to contract out the performance of carriage to owner-operators. However, the amended *Trucking Transport Business Act* of 1997 legitimated the practice of using owner-operators under the rubric of "Entrustment of Business Management". As a result, small hauliers do not need to own trucks or hire drivers, and they just contract out the entire performance of carriage to owner-operators. In other words, most haulers function as a *de facto* intermediary between big transport companies, or transport buyers, and owner-operators who actually perform carriage.

In such regulatory changes, freight transport companies have forced their employees to become "independent contractors". They have often threatened their employees with dismissal or induced workers to be owner-operators, suggesting favorable contracts with their former employees. In particular, companies have made use of this "non-employee strategy" as an efficient way to achieve de-unionization (Chang 2007).

Since these owner-operators have their own trucks and bear the expenses of the operation of vehicles, they are regarded as "independent contractors" or "the self-employed". In reality, however, most of them are subordinate to the control of particular freight transport companies or transport buyers, and they drive trucks by themselves without employing others. It was reported in 2020 that these owner-operators accounted for over 91.5% of all truck drivers in the road freight transport sector (Korea Transport Institute 2021).

Furthermore, recent changes in lifestyle and the development of e-commerce have brought about an expansion of new sub-sectors (i.e. parcel delivery services) and a new type of precarious work. Traffic volumes of packages by parcel delivery services and their sales have risen by an average annual growth rate of 19.8% since 2000 (Lee et al. 2000). On the one hand, dominant retailer consignors have enough influence to set rates as well as other key parameters for transport work, such as the time taken to deliver goods. On the other hand, new methods of control over performance via digital technology – for instance, global positioning system (GPS) and devices monitoring location and operation time of truck drivers – have also developed. This is translating into increasing pressure on the performance of truck drivers. While most truck drivers are "independent contractors", they have to work under the control of transport buyers as well as transport companies.

Moreover, freight transport buyers have utilized various labor intermediaries in order to hire a stable just-in-time workforce. Some intermediaries are being transformed into "digital labor platforms" using mobile applications (APP) and internet-based service. Using digital technology, transport buyers and intermediaries can much more easily contract out freight carriage just in time to individual workers. For example, Coupang (Korea's biggest e-commerce firm) uses over 4,000 non-professional delivery workers – aka Coupang Flex – on a daily basis in order to meet demand for "same-day home delivery service". These workers use their own vehicles like Uber drivers and compete for getting the carriage on one-day contract via APPs. Delivery rates are decided by Coupang on a daily basis and have decreased due to increasing competition among workers. These workers are excluded from labor protection as they are regarded as independent contractors or even "not a worker", who simply makes pocket money in their free time.

It should be noted that the state policy for facilitating deregulation as well as outdated court rulings has fostered a significant increase in such precarious types of workers. In Korea, like many other countries, the "employee" and "employer" are the prime actors who have rights and responsibility under labor law. Traditionally, the legal definition and scope of an "employee" and an "employer" were basically interpreted as parties of an employment contract. While various indicators regarding the existence of an employment contract relationship have been listed in judicial precedents, traditionally the courts noted such factors as whether the employer exerted direction or supervision over the performance of work, and whether the employer offered remuneration for the price for labor, while various indicators have been listed in the rulings. In other words, many judicial precedents have interpreted the existence of direction/supervision as exerting detailed directions over

performance of work, for example, asking whether or not a hirer instructed drivers to take specific roads. Moreover, the courts quite often denied a worker the status of "employee" in cases where the worker owned the work tools such as a truck or provided his/her labor for multiple hirers. Such a narrow interpretation of the employment relationship has contributed to an increase in "bogus self-employed". Employers could easily disguise their employees behind a form of commercial contract and thus avoid their responsibility under labor law.

10.3 Mobilizing owner-operators and platform workers

It is noteworthy that the process of the unionization of owner-operators should be understood in the context of the broader labor movement for precarious workers' rights in Korea. The unionization of precarious workers such as owner-operators is characterized by an interrelated process of their voluntary fight for better working conditions and support from existing trade unions (Yun 2007).

In the wake of the massive labor protests of 1987, a new independent and democratic trade union movement emerged in Korea to challenge the government-controlled industrial relations system that had dominated the country since the Korean War in 1950–1953. The independent and democratic unionism is characterized as independency, rank-and-file engagement, and a formation of working-class identity. It led to forming a new national center of trade unions – the Korean Confederation of Trade Unions (KCTU), in 1995.

The 1997 Asian financial crisis became a critical point at which the KCTU and its affiliate unions sought to organize and represent workers in a non-standard form of employment. In a case of freight transport sector, for example, the existing trade union had attempted to organize owner-operators who increasingly replaced regular drivers. The Korean Cargo Transport Workers Federation (KCTWF) was originally based on enterprise-level trade unions that had represented only employees of freight transport companies. As transport companies had more and more used owner-operators, the KCTWF could not represent a large number of workers in the sector. Facing such a challenge, the KCTWF changed its structure from the enterprise-level units to regional-based units and allocated resources to organize the unorganized.

Since the early 2000s, owner-operators in the road transport sector have attempted to form organizations to improve their economic conditions. The most important motive has arisen from poor incomes due to multilayered subcontracting and an increase in costs. Any increases in rates have been restricted within narrow limits under the multilayered subcontracting system, while a rise in fuel prices has directly brought about a decrease in income. In 2002, some owner-operators contacted the Seoul Regional Council of KCTU and the KCTWF.

After several months of consultation, the owner-operators formed a special branch – called "Cargo Truckers' Solidarity Union" (TruckSol) – under the KCTWF in October 2002. In May 2003, TruckSol called its first strike, which lasted 14 days, and a huge number of non-unionized owner-operators also participated in

this strike. Their demands included elimination of multilayered subcontracting, a reduction of costs (particularly those caused by fuel taxes), securing collective labor rights, and application of the Industrial Accident Compensation Act. After the first strike, membership increased from 1,300 at the beginning of October 2002 to 25,000 members. This rapid unionization shows that owner-operators, irrespective of union membership, shared a broad dissatisfaction with their economic conditions and supported the demands of TruckSol.

After the first successful strike, which was portrayed as "a major disruption of logistics" by the mass media,[2] the KCTWF and the government reached the first agreement that included subsidies for the fuel taxes, regulation of multilayered subcontracting,[3] and protection of owner-operators under the Industrial Accident Compensation Insurance Act.

TruckSol has, from the beginning, focused its ire on government policies at the national level and only later pursued collective bargaining with freight transport companies. There have been very practical reasons for this. First of all, the KCTWF tried to adjust the main demands of owner-operators to changing government policies since the trade union attributed their poor working conditions to government deregulation policies and exploitative industrial structure. Second, it was difficult to achieve collective bargaining with freight transport companies in the earliest phase because freight transport companies and transport buyers refused to bargain collectively on the grounds that they were not employers in the legal sense. Collective bargaining with small-sized hauliers was ineffective because they did not have the power to improve the working conditions controlled by big freight companies and transport buyers.

As mentioned earlier, the first successful strike in May 2003 moved the government to come to the bargaining table with TruckSol and accept some demands. The government, however, did not honor this agreement and instead introduced new restrictions on collective labor rights, referred to as "back-to-work orders". Under the Trucking Transport Business Act (TTB Act) as amended shortly after the strike in 2003, the Ministry of Land, Infrastructure, and Transport may issue back-to-work orders to individual owner-operators involved in a collective refusal-to-work when such activity is deemed to be without a just cause and/or could cause a significant crisis in the national economy. If owner-operators do not follow back-to-work orders, truckers are subject to penalties, including cancelation of their driver's license, fines, and even imprisonment.

Furthermore, the government has attempted to deprive TruckSol of its legal status. Under Korean labor law, all trade unions are required to register with the Ministry of Employment and Labor (MoEL). Also, only an "employee" under labor laws may join a trade union. In 2009, the MoEL issued an administrative order for the umbrella union (KPTU) to modify the union constitution so as to exclude owner-operators from the union membership.[4] The position of the government has been basically very negative when it comes to recognizing TruckSol as a trade union and instead treated TruckSol as a business association.

In this hostile environment, freight transport companies have often refused to recognize TruckSol as a trade union and refused to collectively bargain with it. Even in cases where companies were compelled to reach an agreement on a rise in rates, they frequently broke the agreement shortly after TruckSol stopped collective action.

On the other hand, changes in logistics trends provided trade unions with a new opportunity and challenges for organizing. For instance, big retailers now collect data at the point of sale and transmit it up the supply chain to tell producers what to produce at very short notice. If freight such as food and grocery needs to be delivered just in time, organized truck drivers could have bargaining power by stopping delivery. As such, the increasing time sensitivity of supply chains makes transport buyers more vulnerable to disruption – that is, collective action by freight transport workers.

Since the mid-2000s, trade unions have made efforts to organize parcel delivery drivers and retail logistics workers, using such time sensitivity as leverage. The Korean Public Service and Transport Workers' Union (KPTU)[5] and the Korean Federation of Service Workers' Union (KFSU), respectively, have organized owner-operators in parcel delivery sector and retail logistics workers. For example, parcel delivery drivers organized their own union (called "Korean Parcel Service Truckers' Union") and attempted to bargain collectively with gigantic parcel service companies such as CJ Logistics Corporation. As explained earlier, big parcel service companies have contracted out their work to lower subcontractors, which again contract out the entire work to individual owner-operators. Notwithstanding these owner-operators are regarded as independent contractors, parcel service companies have the right to control over their performance via APPs, digitalized service manual, and customer's evaluation, and in practice set the delivery schedule and rates.

10.4 Safe rates campaign: linking remuneration to the structural problems

Commercial pressures passed down through multilayered subcontracting in the road freight transport sector can lead to reductions in truck driver pay. In particular, owner-operators are the most vulnerable, as they often must absorb the costs of ownership, maintenance, and other vehicle-operating costs, while they may not be entitled to collective labor rights and may not benefit from labor protection, including social insurance, provided to other employees.

According to the results of a survey conducted by the Korea Transport Institute, for example, a shipper (transport buyer) first of all paid 1,230,000 Korean Won (approximately USD 1,000) to a big transport company for a 40-foot container carriage between Busan and Seoul. The rates paid to an owner-operator at the bottom of the supply chain dropped to 780,000 Korean Won (approximately USD 668) through cascade subcontracting, as of 2011 (Korea Transport Institute 2011).

To raise owner-operators' share, TruckSol has attempted to bargain collectively with upper-level transport companies and/or dominant transport buyers over the years. Such attempts have focused on building a collective bargaining frame top-down to the local level. At the top level, for example, the head office of TruckSol has negotiated with the government on industrial policy such as regulating illicit subcontracting practices. Under pressure of industrial action by TruckSol, the government encouraged transport companies' associations to negotiate with TruckSol over standard rates. At the local level, local units of TruckSol have bargained collectively with local freight companies and/or dominant transport buyers with regard to actual rates, job security, and respect for trade union activities.

This collective bargaining strategy is only effective if TruckSol can engage in collective action on a scale where union members effectively disturb logistics. So TruckSol has organized nationwide collective action every few years. However, such collective action cost the union in many ways: many union members lost their jobs and were even penalized, as collective action by owner-operators was not protected by labor law.[6] Moreover, collective bargaining only took place temporarily during the period of industrial action. Once collective action ended, transport companies and transport buyers did not honor agreements, and the agreed rates were cut once again.

To overcome the limits of separate negotiations, TruckSol demanded an introduction of "standard rates". The union argued that it was necessary to fix standard freight rates in order to contain rate cuts along the supply chain. "Standard rates" became the main demand of TruckSol since the national strike of 2006.

As the government had been reluctant to introduce the standard rates for years, TruckSol developed the "Safe Rates" campaign strategy. The initiative emanated from an international exchange of experience between TruckSol and the Transport Workers' Union of Australia (TWU), which pioneered the Safe Rates campaign and was successful in passing landmark Safe Rates legislation in 2012.[7] In Australia, too, low rates had been paid to transport operators by the major transport buyers such as dominant retailers at the top of the supply chain. These low rates translate into even lower rates of pay for truck drivers. The move to drive down rates, and pressure from supply chain actors for unrealistic route times that demand long hours, puts transport operators and drivers under tremendous pressure and results in incentives to dangerous work practices such as speed, overloaded trucks, neglect of vehicle maintenance, and driving while fatigued (Mayhew and Quinlan 2006).

A "Safe Rates" model involves the imposition of mandatory enforceable legal obligations on all business firms operating throughout road transport supply chains. These obligations apply to all businesses from the level of consignors (and consignees) down through the supply chains to the level of road transport businesses (such as trucking companies) which directly hire the services of road transport drivers (Nossar and Amoresano 2019).

It is noteworthy that the TWU has combined organizing activities, political lobbying, and media strategies and community support, which has been termed "Comprehensive Campaigning" (Kaine and Rawling 2011). Specifically, the

TWU's initial focus is on one of Australia's giants, Coles, where the union is seeking a charter agreement to raise standards and strengthen union organizing rights along the entire transport supply chain. The years of campaigning have led some retailers such as Woolworths to begin negotiating with the TWU over such a charter. In May 2018, the TWU and Coles signed an MOU on Principles to Ensure Safety and Fairness for Transport Workers in the Coles Supply Chain.

Inspired by the Safe Rates campaign of the TWU, TruckSol has developed comprehensive campaigning for legislation on Safe Rates since 2013. TruckSol has further developed and refined the message linking rates of pay to the safety of drivers and the general public. Due to pressure on rates cut, Korean owner-operators also have suffered from long working hours and hazardous driving practice.[8] It re-framed its major demand to "Safety for People! Rights for Road Transport Workers!" TruckSol reviewed evidence showing that the multilayered subcontracting system has resulted in low rates of pay and caused unsafe practices such as long driving hours, driving at night, driving when fatigued, and overloading. Union delegates have spoken to the media and at public events about the poor working conditions of owner-operators and the root causes of unsafe practices in the road transport sector. In 2016, TruckSol called a national strike again, demanding legislation on Safe Rates.

The campaign pursued legislation on Safe Rates, aiming at strengthening trade union involvement in decisions on, and enforcement of, rates. In particular, TruckSol demanded that Safe Rates should be paid to actual transport operators at the bottom of the supply chain – that is, owner-operators. After more than a decade of campaigning, TruckSol achieved new legislation on Safe Rates in March 2017. Through member lobbying of National Assembly members, collective action, and rallies for Safe Rates legislation, the union was able to win the necessary support to amend the Trucking Transport Business Act (TTB Act).

Under the amended TTB Act, since 1 January 2020 statutory minimum rates shall be paid to all relevant road transport drivers even though these drivers are not employees of transport companies. Such minimum rates are being decided by the Road Safety Freight Rates Committee (RSRC) with reference to a model that calculates cost recovery for fixed and variable costs and that also includes calculations for return on driver investment in the vehicle and adequate driver income. The RSRC is composed of members who represent owner-operators (three members), members who represent road hauliers (three members), members who represent transport buyers (three members), and members who represent the public interest (four members). Currently, delegates of TruckSol take part in the RSRC as members who represent owner-operators.

Korean Safe Rates regulatory system features mandated legal regulation of contract structuring by both relevant intermediaries and transport buyers, whereby "rates set in (road transport services) contracts at amounts that fall short of the mandated Safe Rates are declared null and void and will be understood to mean the payment of rates equivalent to the Safe Rates". Moreover, Korean Safe Rates are secured for owner-operators, although they are regarded as self-employed in

the legal sense. It means trade unions achieved a functionally equivalent system to the statutory minimum wages for employees, which set the minimum labor standards for all workers regardless of employment type. Understandably, transport companies have resisted the enforcement of the Safe Rates. Facing such opposition, the Safe Rates provisions under the TTB Act were introduced on a trial basis, applied to only "export-import container" transport and the transportation of "cement", and as the Sunset Clause, they are set to terminate at the end of 2022. Nevertheless, TruckSol has launched a new signature-collecting campaign and staged a rally for the effective enforcement of Safe Rates and the abolition of the Sunset Clause. Also, TruckSol has been strengthening solidarity with the TWU for spreading internationally the safe rates model. This international solidarity led to the adoption of "Guidelines on the promotion of decent work and road safety in the transport sector" in September 2019 by the ILO. The Guidelines recommend member states to implement minimum standards for all transport operators and drivers, regardless of their employment status, including minimum rates and cost recovery, and to hold lead companies reaping the profits at the head of supply chains accountable for safe and sustainable working conditions throughout supply chains (ILO 2019b).

10.5 Adequate remuneration for all workers

On the other hand, such fight for secure adequate remuneration for all workers has inspired other precarious workers, including platform workers' mobilization. In May 2018, APP-based food delivery workers formed their own trade union (called "Rider Union"). In 2019, the KFSU launched a union branch for APP-based food delivery workers. These workers have also suffered from low and insecure pay and a poor accident record. Digital labor platforms such as Coupang Eats set pay for delivery workers every hour on the hour, depending on demand and supply of labor. This intensifies competition between workers and leads to more and more pay cuts. In particular, the control of algorithm over performance is driving workers into poor and unsafe working conditions. Algorithmic management controls how many tasks are shown on the APP, on a basis of calculation of delivery time, customers' ratings, and acceptance/refusal rates of delivery by workers. This makes workers do hazardous practices such as speed and traffic offence and drive in spite of bad weather.

Consequently, Rider Union has demanded that APP-based delivery workers also should be guaranteed minimum pay, regardless of employment status, to make safer working conditions. The union has made public awareness of poor and unsafe working conditions and, in particular, disclosed the ruthless algorithmic control over their performance. The union has also attempted to bargain collectively with digital labor platforms, although platform companies refused to do so, arguing they are not an "employer" in the legal sense. Like owner-operators, platform workers are usually regarded as the self-employed, and what is worse, their work is discounted as a side job. Technological advancement makes possible to separate

jobs into micro tasks, and thus workers who undertake such tasks are frequently invisible and ignored. In this changing world of work, digital labor platforms easily pass themselves off as an "information company" or an "intermediary" and avoid employer's responsibility.

The unions' campaign for safe rates and right to collective bargaining has changed a political atmosphere little by little. In October 2020, one delivery platform company (called *Baemin*) agreed on a collective agreement with the KFSU. In July 2021, a bill which prescribed safe rates for APP-based delivery workers was submitted to the National Assembly, being supported by the Rider Union and the KPTU.

More and more workers in the gig economy experience exploitative working conditions such as long working hours and low and insecure pay. However, most of them are excluded from legal protection as the existence of an employment relationship has traditionally been a precondition for labor protection. As illustrated earlier, owner-operators in the freight transport sector and APP-based delivery workers also have argued that they are bogus self-employed and they should be entitled to rights and protection under labor law. However, the Safe Rates campaign has taken a step forward.

The campaign has demanded adequate remuneration for all workers, *regardless of employment status*. As the ILO Centenary Declaration for the Future of Work affirms, all workers should enjoy adequate protection, including respect for their fundamental rights; an adequate minimum wage, statutory or negotiated; maximum limits on working time; and safety and health at work (ILO 2019a). To secure adequate remuneration for precarious workers who exist outside of an employment contract, Korean trade unions have made efforts to connect their low pay to long working hours and hazardous practices, which also would endanger public safety. Furthermore, trade unions have attempted to hold principal companies, including digital labor platforms liable for workers' fundamental rights. The Safe Rates campaign has aimed at "economic employers' at the top of the value chain, who effectively control working conditions along the chain (International Transport Workers' Federation 2021).

10.6 Conclusion

Precarious workers such as owner-operators and platform workers usually compete with each other to get more jobs, leading to a race to the bottom. When these workers regard themselves as "self-employed", they are absorbed with competing against each other to receive the freight carriage at the risk of engaging in unsafe working practices. The fact that their incomes are determined by the volume and results of their performance strengthens this individualistic identity. Moreover, the fact that the level of their incomes is changed by results of their performance makes it easier for hirers to claim that they are the genuine self-employed engaging in their own business. Against this, the Safe Rates campaign has sought to take remuneration out of the competition.

Taking remuneration out of the competition by collectively bargaining or collectively setting rates could be the first step to overcoming this individualistic orientation. Increasingly, precarious workers are deprived of fundamental rights at work and, in particular, excluded from the effective collective bargaining system. Through Safe Rates campaign, trade unions have made an effort to enhance bargaining power and build a system where they could engage with determining their remuneration. This process also contributes to building collective identity as active "workers" among precarious workers.

Furthermore, unions have attempted to hold all supply chain actors, including transport buyers and digital labor platforms, accountable for workers' rights. Lead companies in the value chain and digital labor platform operators can transfer cost and risks onto workers at the bottom by taking advantage of loopholes of labor regulation and the fragmented industrial relation system. Organizing precarious workers into trade unions, irrespective of their employment status, is an essential step to reverse the cost-and-risks transfer. As such, establishing employer's responsibility beyond an employment relationship could be the most effective way to secure fundamental rights at work for all workers in the modern world of work.

Notes

1 Digital labor platforms can be classified into two broad categories: online web-based and location-based platforms. On online web-based platforms, tasks or work assignments are performed online or remotely by workers. The tasks on location-based platforms are carried out in person in specified physical locations by workers, and include taxi, delivery and home services (such as a plumber or electrician), domestic work and care provision (ILO 2021: 18).
2 Although the union density of TruckSol was below 10 per cent, the power of the strike was so great that it was able to disrupt export and import logistics. This was thanks to the relatively high density (around 30 per cent) of container truck drivers working mainly in the area of export and import goods logistics.
3 For example, the *Trucking Transport Business Act* was amended in order to make a road haulier to perform carriage, using his or her own vehicles, at least at the ratio prescribed by the *Ordinance of the Ministry of Land, Infrastructure and Transport*. It is aimed at restraining road hauliers from contracting out the entire carriage, and at limiting multi-layered subcontracting.
4 Under Korean labor laws, all trade unions are required to get registration from the MoEL, but a branch of existing trade unions does not need to do. Owner-operators formed their organization as a special branch of the existing trade union (KTWU) in order to circumvent such legal requirements. Nevertheless, the MoEL forced the umbrella union (KTWU) to exclude owner-operators from membership eligibility, threatening the registration of the KTWU would be cancelled if the union had not followed the administrative order.
5 In December 2006, the KCTWF was integrated into a larger industrial union – the Korean Transport Workers' Unions (KTWU) – together with railway, taxi and bus workers' unions. After that, TruckSol became one of branches of the KTWU.
6 The Korean courts have ruled that strikes against redundancy, outsourcing or Government policy are illegitimate. Also, independent contractors may not enjoy collective labor rights including right to strike, unless they are regarded as an "employee" under *Trade Union and Labor Relation Adjustment Act* (TULRAA). Workers joining such illegal collective action are penalized under criminal law, and are at risk of enormous damages awards for the "obstruction of business".

7 The TWU achieved the enactment of the Road Safety Remuneration Act in 2012 (RSR Act). This was part of the TWU's Safe Rates campaign that was carried on for more than 20 years, aiming to hold supply chain actors accountable for safety along the entire transport supply chain. The RSR Act created a legislative method to consider remuneration and related conditions for all road transport drivers by establishing the Road Safety Remuneration Tribunal to set minimum rates of pay for employees and owner-operators through road safety remuneration orders. Although the RSR Act was repealed in 2016 by the Conservative Government, safe rates model has been in place in provincial jurisdiction including New South Wales for more than a decade (Nossar and Amoresano 2019).
8 According to the union's survey results, average daily working hours were 13.7 and owner-operators usually work 6.1 days a week, as of 2018. Such long working hours along with unsafe driving practice caused the high accident rates, which are 5.7 times more than those of non-commercial vehicle (Ministry of Land, Infrastructure & Transport and Korea Transport Institute 2021).

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11

'CHEAP, FAST AND FLEXIBLE': PROCESSES OF INFORMALIZATION IN ASIAN GARMENT MANUFACTURING

Anna Salmivaara

11.1 Introduction

Precarious, unprotected and insecure work has been the global and historical norm. This chapter examines the particular forms it takes and the function it serves within the structures of globalized manufacturing. Through the examination of the position of garment workers in the Asian context, it analyses current tendencies in regard to flexibilization of employment relations and their social impacts.

The chapter builds on the idea that the organization of production into global supply chains and of work into informal arrangements is a complementary way of shifting the power balance between labour and capital in favour of the latter, in order to promote the goal of capitalist accumulation and profit-making. Both processes are essential for the logics of contemporary garment manufacturing, characterized by the idea of fast fashion. The production of cheap items in short cycles requires flexible employment arrangements, and the nature of garment production contributes to creating the conditions for informality. Low fixed costs and skill requirements make garment manufacturing an available option for countries seeking to build export-led growth and for workers willing or needing to accept any kind of employment.

Based on existing literature on informalization of garment production in several Asian countries as well as the author's own research in Cambodia, this chapter reviews diverse ways in which the logics of fast fashion translate into informal and unprotected forms of work. Seeking flexibility to respond to buyers' price and time pressures, suppliers in the region commonly recur to the use of labour contracting, which results in complex, hierarchical networks of production that involve both formal and informal elements and different degrees of vulnerability. This chapter further emphasizes two contemporary tendencies. First, it examines the impact of the reputation concern of the visible brand-based buyers and the increasing

DOI: 10.4324/9781003351764-14

consumer interest in the possibility of guaranteeing workers' rights through private regulation. This has resulted in a double pressure to provide low prices and short timelines while also fulfilling the requirements of social compliance (Barrientos, 2008; De Neve, 2014), yet it has also led to disguised forms of informalization through which suppliers seek to move work beyond the reach of legal protection. Another, arguably contrasting trend is the exacerbated informalization of garment manufacturing associated with the growing importance of brandless commerce through e-platforms. Increasing particularly fast in China, the application of novel technologies on the distribution side of e-commerce seems to be combined with a flexibilization of production based on fragmented low-cost manufacturing and strengthening, instead of transforming previously existing processes of unprotected work.

In this chapter, I use the notion of 'informality' to refer to the absence of legal protection, with which I point not only to the mere existence of laws – de jure protection – but also to their implementation and enforcement de facto (see also Agarwala, 2013; Mosoetsa et al., 2016; Rogan et al., 2017). Some authors have criticized the emphasis on legal regulation, suggesting that the lack of protection and insecurity rather results from the unequal power relation between labour and capital (Arnold & Bongiovi, 2013; Chang, 2009) and from a social and not a legal question (Siegmann & Schiphorst, 2016). This chapter aims at emphasizing the interconnectedness of law and power relations: legal protection – de jure and de facto – reflects and shapes the power balance between social actors, labour and capital (see, e.g., Burawoy, 1983, 1985; Wright, 2000).

In the following section, I briefly discuss the links between globalization of production and informalization of employment, and then move to examining the actual processes of flexibilization of employment in garment manufacturing in the Asian context. After reviewing the different tendencies and practices introduced earlier, I proceed to a reflection about the diverse motivations of workers that sustain the demand for unprotected work in the Global South. In the concluding section, I include a reflexion regarding the role of the governments in contributing to informalization.

11.2 Interlinked logics of globalization of production and informal employment

The massive transfer of garment manufacturing to the Global South began in the 1970s, motivated by the profit squeeze faced by companies in the Global North, where labour costs had risen under the post–World War social compacts. Labour's power had resulted in – and been further strengthened by – legal protections of workers' rights, including in terms of social security and trade union rights. It limited capital's ability to accumulate profit, which incentivized neoliberal policies that enabled companies to outsource production to more favourable production contexts in search of lower production costs and maximizing profit (Cox, 1987; Harvey, 2005; Silver, 2003; Webster et al., 2008).

Global supply chains are built to exploit regulatory and socioeconomic differences – reflected in labour and other production costs – between different countries and contexts for the purposes of capitalist accumulation. According to Phillips (2011), informalization and proliferation of unprotected forms of work constitute a key mechanism through which difference and inequality are (re)created within them, which enables the continuation of accumulation. Flexibilization of employment in the Southern garment industries complements the organization of production into global supply chains as it enables the exploitation and reproduction of structural differences, based on gender, migration status or class, at the local level.

Against the assumption that the integration of Southern workplaces into global value chains would lead to upgrading and formalization of precarious employment, the opposite has happened. Instead of disappearing, old forms of informal and precarious work that characterize many Asian economies have been put into new use under contemporary globalized capitalism, to transfer costs and risks from capital to labour and to provide flexibility to the former by decreasing the protection of workers' rights and their ability to organize collectively (Hewison & Kalleberg, 2013). Deregulation of labour markets and policies that enable informalization casualization and outsourcing of work have been implemented by governments as a way to attract foreign investment, following the advice of the international financial institutions (Kalleberg & Hewison, 2013). The 'business-friendly' policies are aimed at preventing workers from organizing and bargaining collectively, keeping wages low and reducing the power of existing trade unions demanding de jure or de facto protection of workers' rights (Hewison & Kalleberg, 2013: 397; see also Campbell, 2016b; Hewison & Tularak, 2013; Ofreneo, 2013).

Without a formal employment relationship, workers are excluded from legal and social protection. This liberates employers from legal obligations and costs in terms of social security or occupational health and safety, or restrictions in terms of working hours, wages and benefits (Chen, 2007). Risks and costs are transferred to workers in uncertain, unstable and insecure work with few benefits and entitlements (see Vosko's (2009: 2) for a description of precarity). The resulting power imbalance is at the core of the logics of contemporary garment production.

11.3 Unprotected work in Asian garment industries

The particular nature of garment manufacturing contributes to the prevalence of informal and unprotected work arrangements that the industry's logics require. The low entry costs and skill requirements mean that garment production can be established in virtually any country with a large supply of unskilled labour, and it can employ some of the most vulnerable workers within the society. Price is the key factor of competition at every level – between producing countries, suppliers, manufacturers and workers – and because of the labour-intensive nature of the industry, labour costs are in a particularly important role. This results in a need but also a certain tolerance of informal work arrangements; garment manufacturing

often takes place in contexts where unprotected forms of work are not seen as 'atypical' but simply as work.

The incorporation of the informal realm into the supply chain is facilitated by the fact that manufacturing does not require large expensive machinery, and the transportation of products is relatively easy. In global garment production, the boundaries between formal and informal activities and elements are blurred, and their interaction forms a 'dynamic structural blending' (Phillips, 2011: 382). 'Traditional' informal work undertaken outside the formal factories is integrated into the global value chains, and simultaneously, work arrangements within the previously formal realm are also increasingly informalized, de jure or de facto (Chang, 2009; Mezzadri, 2016; Srivastava, 2012). The production networks integrate a diversity of workplaces, from large-scale factories employing thousands of workers to dispersed informal production units, including small workshops and individual home-based outworkers (Chen, 2014). Unprotected and informal forms of work take place across all these sites, yet with different degrees of control, risks and costs borne by workers.

The use of labour contracting is a common way of seeking flexibility needed to respond to the price and time pressures set by buyers. Contractors identify and recruit workers and coordinate labour supply according to the demand, including the number, tasks and remuneration of workers, ensuring a more efficient use of labour (Barrientos, 2008, 2013). By doing this, they help suppliers to manage commercial pressures and liberate them from employer responsibilities and costs, providing the flexibility needed to adapt to the rapidly fluctuating orders and short timelines that characterize the industry. Outsourcing extends the global chains at the local level, enabling the suppliers of multinational buyers to transfer risks and costs further to other actors and eventually down to workers. It replicates the ambiguity about who is the actual employer, what are the workers' rights and who is responsible for securing them that characterizes the global chains (Chen, 2007). When the workers' productive engagement is separated from the employment relationship (Barrientos, 2008: 1067), by either transferring the employer responsibilities to a contract agency or disguising it as a commercial relationship with an individual contractor (Chen, 2007), workers are left without a formal employment relationship with the company and excluded from legal and social protection as well as that of possible collective bargaining agreements.

In the Asian garment manufacturing sector, both in-contracting and out-contracting (Castells & Portes, 1989; Mezzadri, 2016) are common and can happen simultaneously. In-contracting refers to the use of staffing agents to hire a casual, irregular workforce to work within the supplier factory, perhaps side by side with the company's regular workers employed directly by the management (Barrientos, 2013; Ofreneo, 2013). While the permanent core workforce ensures the quality and consistency of the products, the function of the agency workers is to provide flexibility to adapt to variations in demand and short timelines (Barrientos, 2008, 2013).

In out-contracting, parts of the production process are moved outside the main factory. In many Asian countries, complex networks of subcontractors operate

under the supplier companies of global brands and retailers, blending protected and unprotected work and both formal and informal contracting arrangements. In India's Tiruppur, for example, wide regional networks of subcontracting link factory and non-factory realms of manufacturing across the urban and rural areas. Thousands of small workshops operate alongside the large export factories, forming a buffer to adapt to variation in demand (Carswell & De Neve, 2013; De Neve, 2014). Similar network structures have characterized the garment industry also in contexts such as the Philippines, involving foreign firms, Manila-based export companies, provincial agents and a mass of individual outworkers (Larsson, 2018).

These networks are structured hierarchically, and the different layers identified by Mezzadri and Fan (2018) in export production regions in India and China are observable in several Asian countries. The first layer consists of large export factories, several of which can be owned by the same supplier company. Below these a second layer is formed by medium-sized and small factories that operate as either formal or informal subcontractors of the former. For example in Cambodia, large export factories might work with dozens of official subcontractors to adapt to swiftly changing orders. The buyer companies, particularly the reputation-conscious brands, demand that their suppliers inform them about any subcontracting so that the buyer can audit and approve the production facility before orders are placed (Salmivaara, 2021). However, official subcontracting forms only one part of this layer, and many subcontractor factories operate beyond the reach of public or private monitoring of labour law.

Informality and unprotected employment characterize the third layer of the subcontracting hierarchy, namely a large segment of informal non-factory production that ranges from small workshops to highly informalized stitching units with two or three machines, home-like spaces and family units and, finally, to individual home-based workers (Mezzadri & Fan, 2018). Further informal subcontracting takes place within the different actors of this segment. Informal contracting agents, common in many garment production countries (Barrientos, 2013), might coordinate networks of sub-intermediaries ready to operate when an order is secured (Mezzadri, 2016). Carswell and De Neve (2013) observe how in Tiruppur teams can follow their contractors also between different production units in search of new contracts, and in-contracting is used even by the small workshops, to employ additional workers when needed. At the bottom of the hierarchy, individual home-workers operate specific manual tasks – such as embroidery, appliqué work or button-holing as described by Larsson (2018) in the Philippines and Mezzadri (2012) in northern India; or trimming of threads as described by Campbell (2016b) in Thailand.

In the non-factory realm, labour relations and working conditions take diverse forms. According to Mezzadri's (2016) research in India's Bareilly, informal contracting agents, often members of the same class and community in which they operate, act as informalized capitalists and engage in functions beyond mere labour intermediation, in the organization of production and surplus extraction. Some informal units involve disguised forms of wage labour, for example in the family

units in Shanghai region, where informal wage-workers are hired to work along with the family members (Mezzadri & Fan, 2018: 1056). At the bottom of a pyramid-like hierarchy of risks and poverty within informal employment are unpaid family workers and industrial outworkers (Chen, 2007, 2014). These vulnerable groups can include migrants, such as the home-based workers in the factory areas along Thailand's Burmese border studied by Campbell (2016b). The predominance of women among these groups reflects the existence of a gender difference within the already feminized informal garment production. In India's Tiruppur, women dominate in the lower-paid jobs while the better paid tailors in the informal workshops are usually men (Carswell & De Neve, 2013). In home-based units in Bareilly, artisans tend to be male and in family units; husbands organize the work among household members; single homeworkers are usually female (Mezzadri, 2016).

The historical trajectories of subcontracting differ between countries and regions, according to the diverse pathways of export industrialization and garment manufacturing. In the Philippines, for example, women entered the garment industry mainly as flexibly subcontracted homeworkers already under the export-oriented industrialization of the 1960s and 1970s (Larsson, 2018: 376). In the early 1990s, they formed up to 500,000 of the 800,000 garment workers in the country (Ofreneo, 2009). Yet in Thailand, out-putting was not common during the period of the industry's rapid expansion in the 1980s and 1990s (Campbell, 2016b); its emergence along the Burmese border was part of a broader trend of flexibilization that followed the Asian crisis in the late 1990s and a response to the gains of mobilized labour (Campbell, 2016b; Hewison & Tularak, 2013). In India, informal manufacturing has been increasing heavily, and most new garment jobs since the mid-1990s have been informal (Srivastava, 2012). Up to 75% of new manufacturing employment takes place in informal or unregistered units, and over half of the manufacturing units are home based (Basole & Basu, 2011).

Like the gig workers in the Northern economies, the Asian home-based garment workers integrated into the global supply chains fall into a grey zone between full independence and full dependence (Rogan et al., 2017). They must absorb various production costs, including those of equipment, workspace and utilities, possibly some materials and transportation of products. They bear the risk for cancelled orders, rejected goods and delayed payments, as well as problems in input supply. They are paid on piece rates and have very limited bargaining power vis-à-vis the main company that sets the conditions, including timelines and prices (Mezzadri, 2016; Rogan et al., 2017; Srivastava, 2012).

11.4 Labour rights monitoring and disguised informalization

The unprotected forms of work resulting from the price and time pressures of fast fashion are often in contradiction with the international labour rights standards. The vulnerability of visible fashion and sports brands to the reputation harm caused by possible labour rights violations in their supply chains has been intensified by

advocacy campaigning by watchdog NGOs and human rights groups, causing contradictory pressures directed at the suppliers; in addition to low costs and short timelines, these are required to sign codes of corporate conduct and demonstrate respect of core labour rights, including the right of workers to organize collectively. As Barrientos (2008: 978) observes, the implementation of CSR codes and the use of vulnerable workers are two sides of the same coin in the sourcing practices of multinational companies.

The Cambodian garment industry is an example of how this double pressure operates. The industry emerged relatively late, in the context of the country's transition to market economy and democracy in the 1990s. Reflecting Cambodia's dependence on international support and US import quotas, progressive labour legislation was passed and an ILO-lead monitoring project Better Factories Cambodia (BFC) was created to monitor labour standards in all export factories. The existence of formal employment contracts was a basic issue monitored by the BFC, and in the early 2000s, workers were largely employed on permanent contracts. Garment manufacturing became a formal exception within the Cambodian labour market, with a legal minimum wage and protection of basic labour rights.

Initially, the low salaries and, arguably, the reputation benefit provided by the BFC enabled Cambodian suppliers to compete successfully in the international market, but with time, the contradictory pressures for low costs and respect of labour rights became more difficult to manage, and suppliers had to find ways to reduce costs and prevent workers' collective demands. Informal subcontracting started increasing, and recent labour force survey data suggest that 27% of all garment workers work outside the export factories (ILO, 2017). But instead of recurring to large-scale informal subcontracting in the non-factory realm, Cambodia's export factories have sought to achieve flexibility in ways that do not explicitly violate national and international labour law. Since 2005, the suppliers have been in-fact informalizing (Chang, 2009) their formally employed workforces – turning them from permanent to repeated short-term contracts. In addition to reflecting an employer response to increased international competition (Arnold & Shih, 2010), Cambodian activists consider this trend to result from the government's effort to neutralize the political threat of workers' independent mobilization without recurring to violence that could cause international outcry (Salmivaara, 2021).

As a result, by 2015, around 80% of export factories employed most of their workforce on repeated temporary contracts, usually of two to three months (Fair Action, 2015). Employers use pressure, manipulation and threats to push workers to change to short contracts, sometimes in collaboration with the unions controlled by the government or the employer (HRW, 2015; Yale Law School, 2011). Many labour activists believe that factory closures are staged to convert entire workforces to temporary contracts.

The de jure differences between permanent and temporary contracts include shorter notice periods and compensation in case of dismissal. Annual and sick leave as well as maternity and seniority benefits are calculated on the basis of months of continuous service, harming workers without permanent contracts (Arnold, 2008; Yale

Law School, 2011). Nevertheless, the indirect, de facto impact of temporary contracts is much more dramatic. The in-built insecurity of the contracts (Fair Action, 2015) is exacerbated by the widespread poverty and over-indebtedness among the families of the workers in Cambodia's rural areas, amidst the world's highest levels of microfinance saturation (Parsons et al., 2014). The constant fear of non-renewal prevents workers challenging their employers and claiming the rights and benefits they are legally entitled to, such as overtime or sick leave. Workers cannot refuse illegal overnight shifts – or any weakening in their working conditions – without the threat of losing their jobs. Pregnant workers will not have their contract renewed when their pregnancy is visible, which is an important way for the employers to reduce costs in the highly feminized industry (Salmivaara, 2021).

Importantly, temporary contracts have a dramatic impact on workers' ability to organize collectively in trade unions (Arnold, 2014; Arnold & Shih, 2010). This does not happen de jure, as the Cambodian labour law does not limit freedom of association to permanent workers. According to Cambodian labour activists, it is the ability of the employers not to renew the contract of perceived troublemakers that effectively prevents unionization (Salmivaara, 2021). This situation also affects the collective action by permanent workers because the reluctance of the majority of a factory's workforce to join the union makes it difficult for the union to reach the legal criteria of representativeness required for collective bargaining, in a similar practice as observed by Chang (2009) in Thailand and the Philippines. While permanent workers with a registered trade union can organize strikes, take disputes to the Labour Arbitration Council and push for buyer involvement in labour rights violations (Salmivaara, 2018), the threat of non-renewal largely impedes even informal protesting by workers on temporary contracts.

This effect is particularly strong on women workers, 85% of the industry's workforce, due to the strictly gendered division of responsibilities of social reproduction, including the expectation that daughters working in the garment factories take care of their parents financially. In addition to the time constraints implied by care work, and the opposition to women's leadership roles, their union activism is limited by risk avoidance because the survival and well-being of several generations depend on the garment jobs (Salmivaara, 2020).

11.5 E-commerce and extreme flexibilization

The competition between garment producers to seek ways to flexibilize production is heightened by the contemporary logistics systems that enable outsourcing simple, labour intensive production virtually anywhere in the world. The buyers use online management systems to coordinate a vast global selection of suppliers, and place orders in particular production units based on detailed information about the capacity, specialization, 'social compliance' and so on, to match individual suppliers and production sites with the requirements of each individual product and order.

The competition among suppliers to reduce costs and lead times is taken to a more extreme level in the infomediary-driven (Gereffi, 2001; or distribution-driven

(Lüthje, 2019)) value chains controlled by e-platforms instead of multinational buyers. China is the global leader in e-commerce (Fan & Luehtje, 2019), and in 2015, approximately 25% of garment purchases were made online in the country (Li et al., 2018: 30). Competition on the e-platforms is based on consumer feedback, which leads to a multiplication of styles and a reduction of batch sizes as well lead times, compared to the 'offline' market (Fan, 2021). Furthermore, the comparison function of the e-platforms intensifies price competition. The new situation has resulted in an extreme fragmentation of production, into small units and highly flexible employment practices. The sophisticated, innovative online technologies only characterize the distribution side of these chains; digitally mediated labour relations and manufacturing remain rare. Instead of customer-specific product configuration, flexibility is achieved through high fragmentation, small order sizes and low-cost manual labour, in 'ever-more precarious conditions of employment' (Lüthje, 2019: 199).

In the 'e-platform-driven flexible specialisation' (Fan, 2021), consumers are connected with producers via millions of online shops. Producers bid to supply products to them, mirroring the positon of the workers in the service sector gig economy (Lüthje, 2019). The complex structures of subcontracting networks echo those of the buyer-driven supply chains described in the earlier section, but due to the need of extreme flexibility, the role of the non-factory realm is greater in e-commerce. Two common forms of highly informal employment identified by Fan (2021) include husband-and-wife workshops that take small orders from factories or directly from e-shops, and the daily wage workers hired from the street by factories and workshops to adapt to consumer orders.

This flexible fragmentation seems to exacerbate the tendencies through which Asian garment suppliers have for long sought to respond to time and price pressures. Yet, instead of multinational buyers – brands and retailers – the pressures now come from the competition on the e-platforms, which capture high profits by charging the producers around 45% of the purchase price in advertisement and other service fees (Fan, 2021: 33). In this setting, any positive impact that brand-based reputation concerns and private regulation might have on workers' rights in the buyer-lead chains seems to be vanishing. In the absence of legal and social protection, child labour and basic safety problems are reported, including situations in which workers live, sleep and work in the same place (Fan, 2019, 2021).

11.6 Demand for unprotected jobs

The processes of informalization of employment in the Asian garment industry reflect the logic of profit-accumulation through faster and cheaper production. It is based on flexibility and the transfer of risks to workers, which demands and reproduces a power balance that favours capital and disempowers workers. In the non-factory realm, collective organizing is difficult due to reasons identified in the research on the informal economy, including the lack of an employment relationship and/or a common employer, as well as instability, fragmentation and dispersion

of workforces and workplaces (e.g. Agarwala, 2013; Kabeer et al., 2013). The situation is different for the de facto informal workers in the factory realm, where the concentration of precarious workers in dormitory regimes can actually promote solidarity-based collective action (Campbell, 2016a; Masina & Cerimele 2018). Here, it is rather the fear of job loss combined with intergenerational poverty that impedes collective action to demand wage increases (Hewison & Kalleberg, 2013; Arnold, 2014) or to defend workers' rights (Salmivaara, 2021). In both cases, the absence of freedom of association (de jure or de facto) makes it impossible to organize formal trade unions, but wildcat strikes and informal protests also tend to be ineffective due to the replaceability of unskilled workers. This is what Naila Kabeer (2004: 24) describes as a trade-off 'between access to employment and conditions of employment' faced by women workers in poor, labour-abundant economies and industries with low skills requirements.

The continuing demand for unprotected jobs in garment manufacturing is based on poverty, lack of education and vulnerabilities linked to age, migration status or gender, among others. The meaning of flexibility is different for male and female workers; for the latter, informal work might be the only way to reconcile activities of income generation and social reproduction. For example in India, work in informal sweatshops is what enables women to participate in paid employment in the first place, while for men, it is about independence and freedom (de Neve, 2014). Similarly in Cambodia, women with children might prefer working at an informal factory because it is close to home, while men prefer it due to lower levels of discipline (Salmivaara, 2021). The extremely flexible work arrangements in China's Taobao villages have provided new income-generation opportunities for women who prefer working from home (Fan, 2019, 2021). At the same time, the daily paid wages can be higher than in long-term factory work, and due to the shortage of skilled labour, for some workers these jobs can imply increased income and autonomy (Fan, 2021).

Yet for most others, informal jobs are a way of getting money in hand, being paid more often. Phillips (2011, 2013) suggests that informal employment is accepted because of prioritizing short-term goals of survival at the expense of longer-term strategies of accumulation. However, the separation is not black and white. For example in Cambodia, many workers prefer short-term contracts because of a 5% severance payment that is paid to compensate for the loss of seniority accumulation (Arnold & Shih, 2010) or choose to work in an informal factory to avoid the deduction of social security contributions from their salaries (Salmivaara, 2021). Yet, these decisions are not necessarily only about prioritizing short-term needs but they also reflect long-term considerations. Workers' experiences of highly unequal power structures and a lack of legal accountability, as well as their knowledge of factory closures where foreign factory owners leave the country and workers lose their unpaid salaries and accumulated bonuses, make them more confident about saving the money themselves than trusting the employer or the recently created public pension system. Furthermore, accepting a lump sum offered by the employer in exchange of shifting from a permanent contract to temporary one,

might enable the workers to make a larger investment, perhaps housing-related, without recurring to loans and microcredits with abusive interest rates that could later lead to a debt spiral.

Yet, regardless of the diverse reasons that might motivate workers to take an unprotected job in garment manufacturing, it is the employers and other actors higher up in the value chain that disproportionately benefit from the flexible arrangements. For the majority of workers in China's Taobao villages and elsewhere in Asia's garment manufacturing, flexibility implies a 'permanent competition for low-wage work and . . . hardship and hazards of informalized employment' (Lüthje, 2019: 212).

11.7 Conclusion

The organization of production into global chains and informalization of employment within them are complementary ways of undoing the circular dynamics between labour's power and the legal protection of workers' rights, needed for the purposes of profit accumulation. In the global garment industry, informalization of employment draws on and reproduces existing forms of structural inequality. Its strategies – shifting employer responsibilities and costs to networks of subcontractors and in-fact informalizing formal workers by converting them to temporary contracts – provide flexibility to employers and transfer costs and risks to workers. In informal subcontracting, small or home-based sweatshops where the most vulnerable contract workers, often female and/or migrants, operate, move work beyond the reach of public and private regulation, in order to respond to the pressures of price and time that characterize the garment industry.

While the threat of reputation harm might increase the brand-based buyers' interests in working conditions in their supply chains, disguised forms of informalizing move work beyond the reach of public as well as private regulation. The use of complex networks of intermediaries and labour contractors formally separates the export producer from the abusive employment practices (Barrientos, 2013: 1067). Recurring to the legal notion of temporary contracts enables reducing costs and preventing workers' collective organizing without directly violating laws and international standards. Everything looks good on paper: Workers have legal contracts, receive legal wages and benefits and are not directly prevented from forming trade unions. The indirect impact of their temporary status does not emerge in compliance audits or monitoring visits. Furthermore, the growth of the e-commerce seems to weaken the importance of brand-based buyers and thus of their interest and possible positive impact on workers' rights, strengthening the importance of price, time and flexibility as the main factors of competition.

The tendencies described in this chapter are promoted by companies and made possible by the power imbalance between them and the vulnerable, unorganized workers. Yet, the states also play an active role in promoting informalization, de jure and de facto. As Mezzadri (2010) notes, this aspect has been relatively absent in the debates on informality under globalization, as lack of legal protection has

rather been seen as a result of state absence or weakness. In addition to pro-business policy, the governments can be motivated by direct interests in weakening labour organizing, such as in Cambodia, where the independent labour movement has been the most important mobilizing force that publically challenging the government (Salmivaara, 2021). Instead of considering the state's refraining from protecting workers a sign of a weak regulatory capacity, it can be interpreted as a form of 'selective hegemony' (Smith, 2011) as suggested in Campbell's (2019) analysis of the Myanmar government's use partial formalization to achieve international legitimacy while indirectly precluding claims to legal rights by certain groups. Similarly in Cambodia, the government has actively supported in-fact informalization of work in the garment factories. Precluding workers' legal claims without explicitly excluding them from legal protection de jure has enabled the state to continue claiming adherence to the international labour norms (Salmivaara, 2021).

In contrast to the gig economy in the Global North, informal employment in Southern garment manufacturing does not necessarily imply particularly bad working conditions or low benefits compared to what is the norm in the broader society. Legal protection of workers' rights increases workers' structural power in a society, both at the level of the workplace and in politics (Silver, 2003; Wright, 2000). This circular dynamic is absent in most garment producing countries, and this is what draws production to these contexts in the first place and keeps wages low and risks high for most workers.

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12

PIECE WAGES IN US AND CANADIAN AGRICULTURE AS POLITICAL TECHNOLOGIES OF LABOUR CONTROL

Implications for the Wider Platform Economy

Emily Reid-Musson and Hannah Johnston

12.1 Introduction

Piece wages (PWs), in contrast to time wages, are the paradigmatic form that remuneration takes in the 'gig economy', in which pay is tied to effort (Davis & Hoyt, 2020, p. 1). Gig workers are typically paid by the gig, task, or 'piece', whether the worker is contracted independently or directly employed. The twenty-first century has witnessed a resurgence of PWs as a defining characteristic of the gig economy. Historically, firms introduced PWs to improve productivity while simultaneously reducing the need for supervising labour. This wage structure at times incited competition within the workforce as workers intensified their pace of work to maximize their earnings; increased intensification often led to occupational health hazards and competition between workers. Over time, firms tended to move away from PWs in favour of more centralized forms of management, which typically yield greater productivity at regularized intervals (Braverman, 1974). Nonetheless, PWs persisted in what Braverman termed specialized industries. Their resurgence of PWs in the gig economy is thus a notable divergence from the linear accounts of capitalist development as they relate to wage structures.

Industries including homework and agriculture are characterized by high levels of spatial fragmentation making them poorly suited for centralized management technologies that became commonplace in industrial capitalism. Occupations where PWs prevail, such as farm work, home-based garment workers, and tree planting have traditionally been filled by workers who may experience limited employment opportunities, such as immigrants or young workers. Across North America, these demographic groups are likely to experience greater economic precarity owing, in part, to labour market discrimination. Work in these industries is commonly portrayed as low skilled, and workers are deemed to be easily replaceable. These workforces have lower levels of labour market power, which may help

DOI: 10.4324/9781003351764-15

to explain why workers in these industries remain excluded from standard wage and hour laws that govern compensation within most North American industries.

There has been, and continues to be, widespread use of piece-rate pay in agriculture, where producers perceive this organizational strategy as complementary to the labour-intensive, seasonal hand-harvesting of a variety of crops, such as berries and mushrooms. Conceptualizing the piece-rate system as a political technology, or tool of labour governmentality which serves to condition labour relations by encouraging workers to compete with one another and engage in self-disciplinary behaviour, this chapter draws parallels between agricultural production and contemporary gig work. Through this comparison, we stress the disciplinary logic promoted by PWs and shed light on how this mode of remuneration as a form of workplace organization can stifle workers' labour rights and increase their propensity to engage in collective action, create loopholes in basic wage protections, and can adversely impact workers' health and safety. PWs are an under-examined yet critical feature of the gig economy that warrant further examination and critique.

The remainder of this chapter is structured as follows. In the next section, we provide a brief conceptual section on PW as a political technology that organizes precarious workers by combining self-disciplining management with hyper-precarious labour conditions. We then discuss piece rates in agriculture specifically, documenting some of the industry's features that help explain how PWs have persisted as a dominant management and production strategy. This is followed by two case studies that focus on the micro and macro implications of using PWs in the agricultural sector. The first, based on primary research by Hannah Johnston (2012), describes Pennsylvania's (PA) mushroom industry to illustrate some of the ways that PWs are used to govern the labour process and the adverse impact PWs have on mushroom workers' health and safety and wages, and the distribution of power within the workplace. The second case study examines the unique regulation of PWs in British Columbia (BC), Canada, and argues that the regulation of PWs helped entrench rather than remedy the work-related harms of farm PWs. The BC case study stresses how workers' intersectional identities in conjunction with PW contribute to precarity at work. The chapter ends with a discussion and brief conclusion on how farm PWs can provide insights on structural power imbalances and struggles for fairness in the wider gig economy.

12.2 Understanding Piece Wages as a Political Technology

In contemporary gig economy work, as well as throughout history, PWs organize and manage social relationships rather than simply determining quantitative wage rates. Drawing from Foucault (1991), PWs can be understood as a management technology. They encourage workers to regulate their own behaviour by tethering their individual earnings directly to their labour outputs. As a tool of management, PWs can thus alleviate overt surveillance as workers come to identify firm interests with their own and in turn perform their labour in ways that serve the interests of

capital bolstering productivity and, potentially, profitability. Workers who experience low levels of labour market security may engage in additional self-disciplinary behaviours as they are doubly motivated, on the one hand, by the nature of PWs and simultaneously by the heightened threat of replacement by members of the reserve army of labour (Marx, 1976; Huws, 2014).

Several key characteristics of PWs as a technique of workplace discipline were described in Karl Marx's first volume of *Capital* (1976). At the broadest level, Marx found PWs initially *appeared* to benefit workers, yet over time they caused the workday to lengthen, average wages to slide downward, and instigated competition between workers that fragmented solidarity. Workers are often led to believe they can earn higher wages, above the prevailing cost of labour power, because they are being paid for 'labour objectified in the product' (p. 692) rather than labour power. PWs, Marx wrote, stimulate workers' own 'personal interest [to] strain his labour-power as intensely as possible . . . [which] enables the capitalist to raise the normal degree of intensity of labour more easily' (p. 695). The internalized labour discipline that PWs create led Braverman (1974, p. 43) to remark that they '[enlist] the worker as a willing accomplice in his or her own exploitation'. For workers to realize higher wages through piece rates, they must intensify the pace and effort of their work to extreme levels, presenting greater risk of bodily injury. Thus, the promise of improved earnings for workers is rarely realized or is realized with great difficulty.

PWs can also generate competition and associational divisions within the workforce as some workers are able to exert more effort than others due to 'different degrees of skill, strength, energy and staying-power' (696). Indeed, PWs often result in wage gaps between workers within a given workplace, as some workers can perform at a higher pace than others, owing to factors like gender, age, and ability, among others. Workplace inequalities can diminish workers' likelihood to engage in mutual aid practices, or to cultivate associational power on the job because their success is linked to their individual, rather than collective, performance.

12.3 Piece Rates in Agriculture

Agriculture is a specialized industry where piece rates have long prevailed. Hand-harvested crops are subject to notable production pressures in a context where mechanization has made uneven and limited inroads. Vegetable and fruit crop production often requires sudden, temporary, and intensive labour, and is extremely sensitive to environmental and natural factors like weather and pathogens. Producers have thus resorted to both technological and social fixes (from agro-chemical inputs to labour strategies such as paternalism or reliance on migrant workers) to manage farm crop production uncertainties and realize profit (Guthman, 2017; Wells, 1996). PWs remain a common strategy to attract and manage agricultural labour within constrained and uncertain production conditions. Even without PWs, workers tend to work quickly to curry favour with operators in a context where they often have limited alternate employment opportunities. Workers

may also prefer PWs to hourly wages because they can potentially earn more in a shorter amount of time, though this is not guaranteed.

Wage protections such as employment standards have long accommodated PW, particularly in agriculture. US wage and working hour laws were introduced in the late 1930s as part of the Fair Labour Standards Act (FLSA). Though the FLSA covers farm employees, including the minimum wage requirement, farmworkers were subject to exemptions from the outset, such as the right to overtime pay and limits on hours (Schell, 2002). Exceptional treatment of farmworkers continued through 1949 when they were again exempt from an amendment to ensure that PWs, when converted to an hourly average, were in line with minimum wage. The same was true for additional FLSA amendments that were made in 1966; while these extended eligibility for wage standards to agricultural workers, they disqualified PW workers and workers on small farms (Holmes, 2013, p. 102). Some states, however, have passed wage requirements that exceed these standards. For the most part, workers' hourly rates must be at least equal to the minimum hourly wage even if they are paid via PWs (Thompson, 2018). Another exclusion, found in the National Labor Relations Act, denied farmworkers the right to unionize and collectively bargain, undermining their associational power.

It is critical to note that the relative benefits or disadvantages of farm PWs, whether for producers or workers, are embedded in the wider agricultural political economy. Piece rates are not necessarily, in all contexts, a 'rational choice' for firms (Gidwani, 2008) or a panacea for producers; in fact, they can reduce quality standards and impede productivity, insofar as workers may rush and cut corners to earn more. Growers thus use various arrangements to avoid the problems brought on by the use of PWs. Wells' research (1996, p. 167) on the California Central Valley strawberry industry, for example, described how an hourly base rate plus PW ensured 'speed and care' simultaneously (1996, 167). In strawberry production, 'control relationships are highly personal', Wells observed of interpersonal management dynamics, noting that 'there is no mystification on strawberry ranches about how work standards are enforced and who is enforcing them' (1996, p. 174). Additionally, the health impacts of PWs in agriculture are well documented and contribute acute risks to workers' health and safety (e.g., by exposing workers to dangerous fumigants and pesticides, or increasing the risk of bodily injury by way of rapid work pace) *and* also present potential costs to employers in the event of a worker's compensation claim (i.e., in instances where workers are covered by workers' compensation insurance).

The 2008–2009 financial crisis and increasingly restrictive immigration and border policies contributed to verifiable harvest labour shortages for US farmers. Recent research (Guthman, 2017) on the California strawberry industry (which Wells studied in the 1970s and 1980s) has shown how, for example, within a context of high labour demand rather than high labour supply (as has historically been the norm), workers are vested with greater structural power within the labour market. This affords them the opportunity to be more selective about the agricultural work they engage in, such as the ability to select jobs with the highest remuneration or that is

less physically taxing (e.g., cane fruits like raspberries require less bending than strawberries). Prospective workers are particularly attentive to plant quality and vigour because under PW regimes, higher yields signal higher earnings potential. Growers have thus sought to capture profits not only by squeezing wage rates and identifying alternate sources of immigrant labour (i.e., the H2A program) but also via deliberate planting and crop management decisions and fumigant use that lead to higher and easier-to-pick yields. These interrelated dynamics that comprise the broader agricultural political economy – including the farm labour market, immigration politics, and materiality and biology of plant production, and PW relationships – shape what Guthman (2017) calls farm workers' 'minor agency'. Thus, while PWs discipline workers through self-management, workers can also draw on other sources of relative power to harness PW regimes to maximize their own benefit.

12.4 Piece Rates in Pennsylvania's Mushroom Industry

Pennsylvania boasts some of the most fertile farmland on the east coast. The mid-Atlantic state has a growing season that is long enough to produce a wide range of produce from early spring through late fall with a bounty that includes everything from winter-hardy broccoli and cauliflower to pit stone fruits like peaches and nectarines. Yet despite the state's fertile soils, Pennsylvania's most valuable crop is the mushroom. At over 500 million dollars per year, the southern portion of Chester County produces nearly half of all mushrooms grown in the United States (DiStefano, 2020). White button mushrooms, or *Agaricus bisporus*, are the dominant cultivar, but shitake, portobello, oyster, maitake, and others are also grown indoors – in windowless cement houses, from which plumes of manure scented steam erupt in the winter and saturate the thick air of local towns on humid summer nights.

This region has been at the centre of US mushroom production since the early 1900s, when horse manure was shipped west to Chester County from Philadelphia and other major cities as the growing substrate for mushroom crops. Fungi, long seen as a culinary delicacy, were then sent back into the cities – having been harvested by the region's immigrant workforce – first Italian – and then by the 1980s Puerto Rican and Mexican, and now increasingly Central American and sometimes Southeast Asian. Immigrants have always been central to the success of the mushroom industry as the job of harvesting, which is the most labour intensive part of the growing process, has never been a coveted occupation. Unlike many crops, farmworkers have come to rely on the stability of the mushroom industry. Mushrooms are grown indoors under carefully controlled temperature and humidity conditions and year round; farmworkers comprise a stable resident population in the region (Garcia, 2005).

Farm work is notoriously dangerous work and this is particularly true of the mushroom industry. There are some industry-specific occupational hazards (e.g., aspirating mushroom spores which leads to a condition commonly called 'mushroom lung') yet most of the quotidian risks associated with this job result from physical and social organizational features of the work. Buildings are often old with wooden planking. This makes for slippery footing as workers, under dim lighting

and with harvesting knives in hand, clammer their up and down multi-tiered growing beds that look like bunk-beds stacked at two or three foot intervals. This recipe for injury is heightened in the context of PWs, which are the prevailing wage regime for the industry and increase intensity and speed of the work.[1]

Within the mushroom industry, piece rates vary according to mushroom quality and size. As a delicate crop that can be easily damaged through excessive handling, PWs incentivize workers to handle higher value products more carefully and to encourage individuals to work rapidly. High quality mushrooms are commonly harvested directly into the boxes in which they are sold at the supermarket. This reduces possible damage to the product associated with additional handling during packaging and also reduces processing labour costs associated with packing houses. Pickers are sometimes paid slightly more for this type of harvesting to encourage more careful handling of the product and, likely, because the constant rotation of small boxes takes additional time. These quality 'silver dollar' mushrooms also fetch a premium price on the market, provided that they are blemish free. More frequently, mushrooms are harvested into 10 pound boxes and then later repackaged for consumer sale. Prices paid vary greatly by farm but generally range between $1 and $1.90 for every ten-pound box filled with regular (medium) mushrooms. Herein lies a contentious point within the industry. Although the measurement of 10-pounds suggests a direct correlation to weight, the measurement has evolved, in practice, into a measurement of volume. A larger number of small 'button' mushrooms are required to fill the same box, and thus, often fetch a slightly higher piece rate. Lower quality mushrooms, such as those that are discoloured, inadvertently cut, or diseased must still be removed from the growing beds to ensure that the crop remains disease free and will continue to produce for a number of weeks. While workers are also paid a piece rate for this work, the job is less delicate making it is the most poorly paid of all. Irrespective of the specific piece rate applied, those who cannot harvest quickly enough to meet the minimum wage standard are fired.

Perhaps the most notable feature in this piece-rate system is the foreman's role in tracking the work completed by individual harvesters. Volume measurements of the '10 pound box' affords managers a high level of control and subjectivity over the performance of work as they decide when a box is full. Workers are cautioned that if a box is not full enough that they may not be paid at all. As a result and over time, standard harvesting practice has evolved to overfill boxes as workers strive to meet or exceed company expectations. Many workers now estimate that 10-pound boxes actually weigh between 14 and 17 pounds. Paid by volume, however, workers receive no additional compensation for the extra weight and profits are instead captured by the firm. Regarding quality, workers may believe that they are harvesting 'silver dollar' mushrooms or another product that fetches a higher price. This can lead them to work more cautiously or slowly knowing that their lower rate of work will be offset by the higher piece rate they will receive. Yet upon handing in their boxes to the foreman, the foremen may apply a lower piece rate citing crop quality – a feature beyond the harvester's control. In this case too, the farm benefits from a carefully harvested product yet avoids the additional labour costs associated with the extra picking time. Moreover, like agricultural piece-rate systems more

generally, poor records of completed work frequently results in a miscalculation of the total work completed by harvesters and thus in wage violations (Robinson et al., 2011). This renders workers, who are already low-income earners, victims of wage theft. While wage theft is illegal under all circumstances, workers who may have limited English proficiency, a precarious immigration status, or limited labour market opportunities may be unaware of how to report such practices or may be wary of doing so.

12.5 Piece Rates in British Columbia Agriculture

Canadian legislation on wages is provincially regulated under employment standards. This section focuses on the province of BC, which is unique in Canada and the United States because BC legislation contains *minimum piece wage rates* for designated BC crops (such as apples, apricots, beans, blueberries, Brussels sprouts, cherries, grapes, mushrooms, peaches, pears, peas, prune plums, raspberries and strawberries) that *do not have to meet provincial hourly minimum wage rates* (Thompson, 2018, p. 16). BC's farm-minimum farm-piece-rate rules date to 1981 when there was a push by labour advocates to bring BC's agricultural workers under prevailing wage standards. However, the minimum PWs were *not* the changes labour advocates had sought because these standards did not meet the hourly minimum wage equivalent (Thompson, 2018). Since 1981, BC's farm piece rates have failed to increase at the same rate as the minimum hourly wage (Griffin Cohen et al., 2018; Thompson, 2018; Weiler et al., 2015).

Commercial fruit and vegetable crops in BC are heavily concentrated in two zones: the south-central valleys such as the Okanagan and Kootenays, where fruit orchards predominate; and the southern coast, particularly in the western Fraser Valley, where diverse fruit and vegetable crops are grown. Since the 1970s, Fraser Valley industries have relied on a large number of Indo-Canadian immigrant workers; typically workers have been women in their fifties and sixties, many of whom have limited English proficiency (Fairey et al., 2008; Preibisch & Otero, 2014). Canadian-born workers, mostly young men and women, often seek employment in commercial orchards in BC's southern interior. Since 2004, BC agriculture has also relied on a growing number of international migrant workers under Canada's Seasonal Agricultural Worker Program (SAWP) (Preibisch & Otero, 2014). Differing from most other agricultural workers in BC, and irrespective of the crop, SAWP workers are guaranteed an hourly minimum wage with PWs available as incentive. This is because their contracts are bilaterally negotiated with sending country governments and these arrangements are organized separately from other workers (Fairey et al., 2008).

Research has shown that on average, farmworkers in BC earn low wages; these fluctuate depending on a variety of factors outside of farmworkers' control (Fairey et al., 2008), and contribute to workers' income insecurity. Factors such as suitable weather, high plant yield, and precise cultivation practices are required for PW workers to earn sufficient incomes. Because immigrant farm workers are often

paid through labour contractors (with little government oversight over wage compliance), wage theft and other violations are common. Due to the seasonal nature of the work, access to unemployment insurance (Employment Insurance, or EI, in Canada) is an important income supplement for farmworkers, though they are only eligible to receive this benefit if they have worked sufficient insurable hours. To qualify, farmworkers may accept long work hours in order to gain eligibility, highlighting how broader institutional social security schemes and their eligibility requirements become entwined as part of the self-disciplining complex in which PWs function (Preibisch & Otero, 2014, p. 187). Recordkeeping to document insurable hours is prone to accidental or deliberate errors: '[B]ecause of their discretionary power and the widespread practice of converting piecework to an hourly wage without having any proper mechanism to record accurately the hours actually worked, employers can easily falsify records' (Fairey et al., 2008, p. 37).

Farm PWs also create wage gaps within the agricultural workforce that reinforce existing social inequalities. Multiple studies have shown that the labour force employed in higher-earning tree fruit crops like cherries and apples comprises male or younger female workers, as well as migrant TFWs (Zbeetnoff & McTavish, 2011). In contrast, lower-paid crops like blueberries and vegetables in the Fraser Valley were harvested by older immigrant women workers (Thompson, 2018, p. 13). PWs thus can lead to wage gaps as younger, stronger workers can exert higher work effort and higher earnings compared to their older counterparts (Griffin Cohen et al., 2018, p. 34). Workers who earn the most from PWs are also more likely to defend the PW system, much like producers (Taylor, 2019), further reinforcing the inequalities upon which the regime rests.

Despite repeated and concerted efforts to apply the hourly minimum wage to PW workers (i.e., reforms which would still allow PW as incentive pay), to date the BC government has not amended the legislation (British Columbia Law Institute, 2018; Fairey et al., 2008; Griffin Cohen et al., 2018; Thompson, 2018). The lesson of BC's unique farm PW legislation is that piecemeal regulatory efforts have allowed a piece-rate system to become entrenched in BC agriculture. This compounds rather than remedies poor farm work conditions, including poor health and safety; below minimum wage earnings; wage inequities; and fractured relationships between higher- and lower-earning groups of workers.

12.6 Discussion and Conclusion

Issues of worker classification have dominated debates about job quality in the gig economy as a 'new' mode of organizing work. In focusing here on PWs, we have explored how the gig economy has repackaged a historic labour arrangement and retooled it to discipline and manage a spatially fragmented workforce. While debates and activism that seek to address worker misclassification are of significant importance, meaningful improvements for wages, health outcomes, and expressions of collective solidarities also require a reckoning with the management, organizational, and social dynamics of piece-rate pay.

Why are PWs more popular and more prevalent with firms in the gig economy and wider sphere of informal labour? Like other dimensions of neoliberal, flexible employment arrangements such as subcontracting, temp agency, freelancing, it is politically and theoretically imperative to question how and why these arrangements are assembled, disassembled, and reassembled by firms and enabled by policy in particular sectors. PWs afford indirect control (compared to Fordist managerial controls) alongside other managerial, economic, and social mechanisms of labour control (global labour supply, independent contracting, algorithmic management, etc.) to ensure low-cost, productive, and compliant labour while distancing employers from their responsibilities for ensuring workers' broader well-being and social reproduction. PW regimes are suited to the spatial fragmentation of agricultural and gig work, whether workers are dispersed across a large property, or behind steering wheels, shopping carts, or computers. These regimes are rooted in sectors characterized by precarious employment, under-regulation, and a lack of workers' collective rights. Notable also is the fact that such wage regimes are common in sectors where the workforce is composed largely of historically disadvantaged groups such as women, people of colour, and immigrants and migrants.

Uneven configurations of power and risk across workplaces and sectors are significant however. Power in agricultural production is more personal; farmworkers can identify labour contractors, managers, operators, and other actors who control how pay rates are set and wages distributed (though the challenges of contesting these systems may be extremely high). While agricultural supply chains are rife with middlemen like farmers and labour contractors (who simultaneously present sites of exploitation and afford possible opportunities for leveraging solidarities across supply chains), algorithmic management within the gig economy stunts such possibilities through its faceless intermediation. Indeed, the use of PWs combined with the algorithmic management, particularly in the context of a globally dispersed workforce, further atomizes workers and can fuel inter-worker competition and self-disciplinary behaviour. The success of this regime can be seen not only as workers labour harder, faster, more intensely, and at greater risk to themselves but also in the moments where they take on a preference for piece rates, believing that they might game the system or rise above the average, despite decades of labour history that demonstrates their drawbacks.

While there has been critical focus on the legal status of workers in the gig economy, the issue of PWs as a determinant of work-related health and safety is crucial because efforts to reclassify workers as employees will not necessarily address the mechanisms that jeopardize workers' well-being. The work-related health impacts of PWs are serious and yet poorly recognized and addressed. There is ample, cross-sectoral evidence that PWs encourage workers to take risks on the job (i.e., driving faster, working longer hours) and increase the prevalence of accidents, injury, pain and illness (Artz & Heywood, 2015; Johansson et al., 2010). The 'deleterious [health] effects' of PW are not necessarily spread evenly across a piece-rate workforce; however, they impact low-wage, female, and non-white workers more heavily compared to their higher-wage, male, white peers (Davis & Hoyt, 2020, p. 5; McCurdy et al., 2003). Thus, not only do gig economy firms

use PWs alongside independent contractor status, but in doing so they offset and externalize the high costs of injury and illness that PWs generate, unlike firms that directly employ their workers (Davis & Hoyt, 2020). In sum, PWs remain an under-studied and under-critiqued mechanism that exacerbates work-related risk and harm in the gig economy workforce.

PWs should be understood within the context of workers' extreme lack of structural and associational power within a planetary labour market and weak state social and labour protections. Workers in the global south completing online piece work are at the mercy of clients continents away who can underpay or not pay workers, as described in (Graham & Anwar, 2019, n.p.). Simultaneously, as platforms come to reflect the interests of those who pay for services (clients), rather than those who perform them (workers) (Gray & Suri, 2019), platform-mediated PW regimes and their referential payment policies have become a vehicle for wage theft at a planetary scale (see, e.g., Martin et al., 2014; McInnis et al., 2016). These operate alongside managerial strategies of discretion, similar to those found in PA mushroom houses and BC farm fields.

When workers are paid, PWs still reinforce and perpetuate low-income workers' low levels of structural and associational power. Higher-earning workers may perceive that PWs are advantageous in a context where they have few other sources of power and voice. Contesting indecent work conditions through expressions of worker solidarity, including contesting PW regimes, becomes increasingly difficult though not impossible, to achieve amidst a system that often pits workers against one another as competitors (Wright, 2000). As Uber's own research has shown (Cook et al., 2018), there is an uneven gender distribution of effort and thus earnings among Uber drivers that effectively amounts to a stark gender wage gap; this risks further division among workers if higher-earning drivers (e.g., male drivers) are more likely to defend Uber's wage system. Online platforms, meanwhile, can exacerbate such divisions by charging successful workers – such as those with high platform earnings or with an extensive client-billing history – smaller commission fees for connecting workers with tasks.[2] These PW structures lead to wage inequities as success begets success; and in turn, they reinforce atomization between workers and constrain the potential for associational power.

Conceptualizing the political economy of PWs within a governmentality lens helps reveal how PWs operate through workers' own rationalities, conduct and consciousness. PWs govern through the activation of neoliberal understandings of freedom and choice, including workers' self-actualized and internalized understandings. PWs are also highly contradictory, rather than unitary, transhistorical arrangements subject to firms' rational calculus and interest (Gidwani, 2008; Guthman, 2017). Within shifting terrains and channels of power, even in the absence of associational forms of power, PW regimes can tip in favour of workers' structural and earning power. As Guthman (2017) indicated, under particular political economic and environmental conditions, PW workers can be selective about opting for higher-paying PW work. These insights lend themselves well to a geographical, inter-scalar perspective, attentive to the PWs as a governmental technique of organizing work at macro and micro levels, and in different geographical and historical contexts.

A governmentality lens is also useful to understand struggles to improve PW regulations as examples of how power relations in the gig economy are contested and challenged. Improved PW regulations can help limit the adverse impacts entrenched in PW regimes. The example of BC's legislation on PWs and the use of modified piece rates for TFWs, for example, sought to ensure that workers were guaranteed a minimum wage in addition to the piece rates they received. Within the PA mushroom industry, La Unión de Los Trabajadores de Kaolin, or Kaolin Workers' Union, operated between 2002 and 2015 and represented roughly 350 workers at a single mushroom farm.[3] Similar to the approach in BC, the union sought to mitigate the precarity that harvesters faced by bargaining for per-unit piece rate increases. Yet mere reforms to PW rates were not sufficient to overcome the divisive workplace culture that the company and PWs as a management technology engendered: indeed, the union was decertified in 2015 following a campaign backed by the National Right to Work Foundation ('Kaolin Farmworkers Win Legal Victory Upholding Their Decision to Eject Unwanted Union', 2016). More recently, gig and platform workers have pursued PW regulation, and those providing in-person services have achieved some success. In New York City, for example, years of driver organizing led to a regulated minimum pay rate, offering drivers some respite after years of declining incomes. However, reprieve was short-lived as drivers remain without the social safety protections necessary to weather the pandemic and the impact it has had on the for-hire transportation industry (Johnston, 2021). While each of these instances is movement in the direction of greater worker security, there are countless examples that show how efforts to reform or amend PWs through subnational regulatory frameworks may be limited in their impact insofar as they fail to address both the global and internalized challenges of these structural and institutional power imbalances.

Notes

1 Although PA has considered mushroom production to be classified as an horticultural activity, this type of work is considered agricultural work nationally. This designation has provided workers within the state expanded rights and protections when compared with workers who remain classified as strictly agricultural. These include, for example, the right to engage in collective bargaining (Read, 2003).
2 See, for example, Upwork's Terms and Conditions: www.upwork.com/i/how-it-works/freelancer/
3 Chapter co-author Hannah Johnston was employed by the union in 2011. The union was the subject of muralist Mike Alewitz'1995 piece titled "The Mushroom Workers".

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13

DELIVERING (IN)JUSTICE

Contestations Within India's Digital Food Delivery Platforms

Shyam Krishna

13.1 Introduction

Gig-economy is built on digitally mediated rending of commercial services undertaken by workers as discrete tasks. Gig-work as a new mode of employment in the global South is considered a valid route to economic development, as a viable opportunity for employment, and as improving income potential to a wider range of workers (Heeks et al. 2020). This chapter peeks beyond the economic potential at the social experience of workers, or the so termed 'gig-workers'. These workers undergo complex impact due to the digital intermediation in their workday. Labour undertaken as a 'gig' reframes workers' interactions with their customers and their employer, and it recasts the traditional employer-worker and customer-worker relationship under an algorithmically controlled work environment. As both the technology and the labour practices under it are emergent, governmental regulation too is playing catch up with the fast changes seen in gig-economy (Prassl 2018). The result of all this has been that gig-workers have had to contend with inequity and unfairness in multiple domains: emanating from the use of technology, the intermediated interactions that enact their labour, and the overarching governance of gig-work.

This chapter uses a lens of social justice to trace such vulnerability of gig-workers across economic, cultural, and political domains, all presented here bracketed by an empirical context of food delivery gig-work platforms in India, which currently has two main players – Zomato and Swiggy. Uber Eats as a third player existed as a separate entity until the early 2020 and was absorbed into Zomato. This chapter discusses a study of these three platform companies, interweaving narratives of food delivery work practices from the author's own ethnographic research on gig-workers (Krishna 2020, 2021), supported by broader accounts from other sources like media and similar research.

DOI: 10.4324/9781003351764-16

An elaboration of the complex impact of gig-economy in India is warranted at this point due to two related aspects. First is the devastating effect of the ongoing pandemic on gig-workers. This runs parallel to the second aspect of notable business growth seen within India's prominent platform companies. During the pandemic, digital food delivery platforms cemented its status as an indispensable part of the Indian urban fabric. Food delivery workers had been at the forefront of pandemic response in India even as they faced hardship in the form of reducing income and restriction in work hours (TNM 2020). With the need for stricter lockdown across Indian states, governments at national and at the state levels took efforts to define key logistical services. For the first time gig-workers were included among a wider definition of essential workers. This included explicit mentions of major food delivery platforms like Swiggy and Zomato, alongside other emerging players that provided delivery services of groceries or medicines.

Despite the pandemic conditions, there has been a healthy business growth among the Indian digital gig-work platform companies. Between Swiggy and Zomato the platform companies now cover more than 500 cities and employ under their contracts around 300,000 gig-workers, with new workers from other sectors joining gig-work during the pandemic (NHI 2019; BS 2021a, 2021b). Zomato as one of the two major companies saw a stellar IPO with a market capitalisation of $13 billion amidst the pandemic (Bloomberg 2021). Meanwhile, Swiggy, the other major player, raised a record level investment of $1.25 billion through the venture capital route (Reuters 2021). This development comes on the back of wider success of Indian gig-economy companies domestically and globally. For instance, Ola the cab-hailing company has recently entered European markets while simultaneously entering the electric scooter manufacturing market (BS 2021c).

All this signals a robust growth in the Indian gig-economy. But the experience of workers during the same time period has been a different story. With protests from gig-workers erupting across multiple cities during the pandemic, there is a clear subordination of workers' needs to the profitability of platform companies (ET 2021b). The issues workers highlight are of precarity due to their independent contract status, a greatly reduced income despite opposite initial promises, and sharp lowering of quality in their working conditions.

In this chapter the focus is on the impact on gig-workers and their contention with the platforms companies as the entities that employ, create, and manage the digital technologies in use. The following sections use a lens of social justice to frame these as a contestation between workers and platform companies.

13.2 Contestations Within Gig-work

Gig-work technologies being novel and disruptive innovations provide new capabilities in how services are used by customers and how labour is performed by workers. This has ushered in changes in labour practices and introduced newer data and algorithmic practices, which all becomes an arena of contestation between workers and platform companies. The digital technologies deployed by platform

companies are aimed at providing increasing commercial value. As more of services become performed and governed through intermediation between the workers and the employers using digital platform apps, there arises questions of the fairness of these technologies in determining the labour condition of the worker (Collier et al. 2017). From what is already observed of gig-work platforms, despite claims of higher income and increase in employment opportunities, platforms create a trend where livelihood for the workers has been becoming more insecure and precarious (Graham & Woodcock 2018).

One dimension of the contestation between workers and platforms companies emanates from the core logics of 'gig-economy'. This is mainly seen under the tenets of 'on-demand' service and of 'just-in-time' workforce (De Stefano 2016). A main feature of digital gig-work platforms is the provision of 'on-demand' services for customers through location-based apps. This has changed the ways in which commercial services like cab-hailing and food delivery are accessed. The demand for these services is spatially distributed and involves limited time spent by the customer in accessing services that are commercially profitable for the platform companies. This makes a just-in-time and location-based 'gig' a mode of employment necessary. This has changed the very nature of relationship between workers and these employing firms. Work is algorithmically managed through digital schedules that prioritise matching the demand for service and the supply of gig-workers' labour. For the workers this adds to the uncertainty of work schedules and work availability, defining one of the main elements of the precarious nature of gig-work (Wood 2020). Since work activity that is deemed productive are intermittent, the income payable to gig-workers is not counted on workdays, but it becomes atomised in fragments of time that match the limited time attributed to the 'gig'. The companies can narrowly define the payable labour as the time-limited tasks forming part of the gig. These gig tasks are then measured through data and algorithmic logic, only within which the workers can aim to improve the income-earning potential. Thus, labour is commoditised as intervals of work, without which platform commercial offerings cannot be easily profitable (Aloisi 2015; Katta et al. 2020). In effect, the need for on-demand service goes hand in hand with algorithm defined inequities in how labour is performed within the gig-economy.

This is needed to sustain a continuous supply of labour for gig-work. This change in the labour market where platform companies supplant full-term employees within casualised and temporary labour means that gig-workers face the additional precarity of an uncertain future due to the absence of social security and benefits like insurance or old-age pensions (Heeks et al. 2021).

A further contestation between platform companies and gig-workers arises from the 'flexibility' that a gig is supposed to offer to workers as independent, self-employed workers. Gig-workers are defined as independent self-employed contractors and not employees. The workers are presented a seemingly attractive proposition that they have autonomy to manage their own time schedule and workdays, and logon and logoff on their own accord (Pichault & McKeown 2019). Many first-time gig-workers come across recruitment and marketing messaging

that clearly relay that as an independent contractor, these workers can be their 'own boss'. This contractor status of workers provides commercial advantage to platform companies. By offering this platform companies gain a flexibility in managing their labour requirements, which mirror a flexibility firms need in their capital needs. This as 'flexible capitalism' has been a mainstay of gig-work platforms aiming to be asset-light, lean and thereby more profitable (Dubal 2020).

Though the platforms signal that gig-work provides 'functional' flexibility that could lead to gig-workers' autonomy over their own work, what atomisation of work achieves for the platform companies is 'numerical' flexibility – the ability to reduce labour input to nimbly deliver a level of output that dynamically matches the varying demand. The flexibility in gig-work, as discussed earlier, needs a temporal control of fragmented work and is also aided by the absence of a spatial workplace seen in gig-work (Johnston & Land-Kazlauskas 2018). Gig-work then creates a flexibilisation of capital-labour relations hinged on a digitally intermediated flexibility experienced by workers, without a defined 'workday' schedule or 'workplace', both hallmarks of stable employment. Unsurprisingly, research shows that these flexible, self-employed status push workers into unstable and uncertain conditions of work and reduces workers' bargaining power perpetuating the precarious employment and risk to income (Aloisi 2015).

This being the wider context, this chapter is interested in exploring both the economic and non-economic dimensions of these contestations. Most of the questions of inequity or unfairness in gig-work centres around income calculation of gig-workers and surrounding issues of number paid hours or wage calculation. But the underlying reasons of economic precarity within gig-work already are known to be entwined with cultural or political factors like gender, ethnicity, or immigration status (Dubal 2019; Van Doorn et al. 2020). The advent of platform capitalism itself is considered a product of exploitation along cultural lines of gender, race or class (Van Doorn 2017). These indicate that problems within gig-work necessarily also have non-economic dimensions invoking emotional or socio-cultural issues (Gandini 2019). This chapter uses theories of social justice as and its relevance to digital platforms to explore gig-work as a complex entwinement of economic, cultural and political factors.

13.3 A Question of Social Justice

The chapter leans on related concepts in research of 'datafication' and 'data-justice'. Datafication is understood as the social and the technological process directly helping data-driven transformation of social actions or outcomes into byte-sized pieces of information, all achieved by multiple means of online quantification (Mayer-Schoenberger & Cukier 2013; Van Dijck 2014). As Lycett (2013) presents, datafication enables codification of the real world in a twice abstracted 're-representation' driven through data and algorithms. Within gig-work platforms this is reflected in the necessary intermediation between workers and customer using digital apps, its processes, the generated data and underlying algorithms. This digital translation

of social aspects necessarily involves assumption and compromises in how data are produced, extracted, selected and analysed (Mayer-Schoenberger & Cukier 2013). A study on the impact of gig-work then entails exploration of how this reinterpretation of physical work and its contexts affects the workers.

Prevalent related research highlights issues of inequity within platforms and of the ethical choices behind datafication, algorithmic logics and their impact. This can be read in Graham and Woodcock's (2018) work, which highlights the need to understand 'fairness' of work under digital platforms. They present that to make platforms accountable the various barriers that gig-workers face globally must be questioned – such as unfair levels of pay, occupational stress and risks, and questionable working conditions. Scholars studying digital platforms globally show evidence of inequities arising due to the changing nature of work and the economic and other precarity associated with it (Chen 2018; Graham & Anwar 2019; Wood et al. 2019; Heeks et al. 2021). The production of data and its context of use relation to gig-work has been widely acknowledged as an under-researched arena in recent scholarship (Van Doorn & Badger 2020; Heeks et al. 2021). These studies use varying terms such as fairness, ethics or equity, all pointing to complex impact, especially to workers under the gig-economy. This chapter seeks a means of studying these interconnected issues under an overarching banner of 'social justice' that has emerged within studies of data and algorithmic systems.

Termed as 'data justice', a lens of social justice is applied in studying the effects of data and algorithmically influenced changes in society. For instance, Dencik et al. (2018) squarely places data justice in relation to 'surveillance capitalism' (Zuboff 2019). They present data justice here as a social justice and social activism paradigm of resistance and anti-surveillance activities. Further synthesis work on data justice can be seen in works of Taylor (2017), Dencik et al. (2019) and Heeks and Shekhar (2019). A common thread in the multiple data justice perspectives is the social, political, and technological nature of practices and contexts in which data and algorithms are situated. These complex factors can be viewed under the multi-dimensional view given by 'abnormal justice' (Fraser 2008; Krishna 2021).

Abnormal justice proposes that there is no one 'normal' meaning or means of claiming justice. Especially in contexts of data and digital technology the contestation for justice between different stakeholders may be unclear. There is an absence of shared understanding of justice, have to be necessarily questioned. Legal codes or governing frameworks like contracts or terms and conditions even if set 'normally' can be still unjust 'abnormally' and hence themselves become a matter of contention for justice claims. Fraser (2008) proposes that abnormal justice can be claimed by overcoming injustices due to unfair subordination acting as a barrier to equal participation in society or 'parity of participation'. These elements of subordination can be under economic, cultural or political overlapping domains, explored by considering a dialogic contestation of issues between stakeholders. Only by addressing these contestations and overcoming factors of subordination can equal participation be achieved leading to a successful claim to justice. Correspondingly, the 'what' of justice is of interest, which has three dimensions – economic distribution,

cultural recognition and political representation. Not achieving parity among these dimensions becomes the obstacle to justice or indeed routes to injustice.

Economic injustice deals with the unequal distribution of resources. Fraser (2008) contends economic injustice is usually entwined with it's an inequitable cultural bias or discrimination due to unfair subordination along lines of race, gender or caste. This can be seen in arguments on racial discrimination in digital platforms as made by Hoffmann (2019) and their call to include narratives of data justice beyond distributive/economic paradigms. This also echoes analysis that argues that economic precarity in gig-work follows historical subordination of marginal groups of workers due to race or gender (Van Doorn et al. 2020). So Fraser (2008) conceptualises that injustice would include subordination in labour practices punctuated by entrenched cultural bias, such as over gender or class. Additionally, Fraser's (2008) conceptualises a political and procedural fairness in processes of democratic representation, dispute resolution and contractual engagement and the wider rule of law.

Dencik et al. (2018) referring to abnormal justice as lens for data justice hints that it provides an 'ontology of justice' pertaining to data and algorithms. That the meaning of justice has to be unpicked within specific issues that are contested between different stakeholders. This chapter picks up at this point to explore further the context of gig-work as recent scholarship such as Krishna (2021) and Akbari (2021) have operationalised abnormal justice. The three dimensions of economic, cultural and political/procedural factors just discussed provide a valid rubric to analyse a multi-dimensional way in which (in)justice is performed in gig-work. The rest of the chapter situates gig-work and specifically the experience of gig-workers in within this rubric.

13.4 Spatiotemporal Calculus

The calculation of time and its relation to spatial movements is one of the main contestations between platforms and gig-workers. Gig-work, especially of food delivery, depends on the spatiotemporal control exerted by platforms on the gig-workers. This control is performed through the algorithms designed by the platforms, based on spatiotemporal and other commercial data that are produced by the workers themselves, and embedded in the day-to-day routines and practices of food delivery (Wu & Zheng 2020). Digital platforms prominently perform a combinatorial control through temporal and spatial tasks, goals and incentives. This is seen in the case of food delivery as a calculus that drives income for the workers dependent on multiple levels of spatiotemporal data.

At the most granular level individual tasks of food delivery is dependent on temporally governed tasks. Both the time-taken to complete tasks and the distance driven by the worker are used in calculation of the income payable to the worker. In the case of Zomato a payment is paid per task – of picking up the food from restaurant and delivering to the customer. This splitting of pickup and delivery further atomises the gig into multiple controllable tasks, each of which has a maximum

time to complete. If the worker falls foul of this time-limit they can be penalised in their progress towards income incentive. It is within these temporal controls that platforms present that the workers have a possibility to manage their own time and be flexible. This is an oft-repeated idea encountered especially during recruitment that food delivery workers undergo, that they can work 'as long as they want' and 'log-off when they want'. But in practice there are multiple controls, measurements, and surveillance, all which are tools the platforms use to maintain a temporal stress on the workers to maintain availability during peak demand while controlling the level of payments due to be made to the workers (Krishna 2020, author observation).

The multiple instances of temporal and spatial measurements within gig-work that the workers' undergo, accumulates as points of data that govern their income. For instance, targets given as number of logged in hours and of distance-driven formed a laddered scale of target. The workers can achieve increasing daily targets moving up the ladder towards longer term weekly or monthly targets, and thereby towards better potential income. In this, workers in India face daily, weekly, and monthly minimum targets that they need to achieve to maximise their income. It is observed that these targets are often positioned as a 'minimum guaranteed' pay scheme (Inc42 2020). But the actual calculation makes it's so that the guarantee of obtaining minimum slab of income is dependent on achieving a minimum number of hours being logged and within that a minimum number of orders assigned and delivered. While from the perspective of the worker they are supposed to have control over when they can be logged in, specific targets for peak demand hours of breakfast, lunch and dinner makes it less of a real choice. Under this control the worker cannot flexibly login or log-off work without undergoing a reset of their progress towards a daily, weekly, or monthly targets. On top of this, the number of orders assigned to workers is a matter of algorithmic control without any real agency with the workers.

Spatiotemporal data and calculation as a point of contestation between platforms and workers surface further in two ways – in how real-time data and in how data in aggregate are both utilised algorithmically. The main example of real-time use of spatiotemporal data is in logics of 'surge pricing' or 'peak pricing' within food delivery platforms. For instance, Uber Eats followed a geographical zone-based surge, where base pay made to the workers are multiplied by a factor, very similar to the logic followed in Uber's cab-hailing app business model (Rosenblat & Stark 2016). This surge function in the apps is time limited during mostly peak traffic and meals hours. This was used by Uber Eats to also drive more supply of gig-workers labour towards areas with larger demand but with fewer available workers. Both Zomato and Swiggy have their own version of surge pricing which in some payment calculations also account for adverse weather such as rain (BT 2020). This surge pricing for the platform presents a higher margin as commission taken from customers and restaurants as well. As more of past data on surges are aggregated and analysed, the platforms gain knowledge of the spatiotemporal natures of peak demand and how to match supply. This means that the platforms can pre-emptively

manage supply of labour in a specific zone at a specific time to avoid surge pay for workers even if higher pricing is charged from customers.

The monetisation of data in its aggregate form by food delivery digital platform play another core role in their business models. Both Zomato and Swiggy have mined their customer and worker generated data to offer subscription-driven food delivery plans where customers do not pay a cost for each delivery (ET 2018). Such plans are result of deep analysis of data using advanced 'data science' techniques touch many specific parts of the food delivery business model. Use of technique like machine learning can be seen to be employed in predicting delivery time, travel distance within an order cycle, and more recently to enforce mask compliance for COVID19 situation among gig-workers (Swiggy n.d.). All these data aggregation and monetisation through it also contributes to higher level valuation of the platform companies themselves, as seen in the case of Zomato with its stellar IPO and a market capitalisation at more than $13 billion (Bloomberg 2021).

The workers necessarily compare their economic precarity against this monetisation successes that platform companies achieve. They argue that growth in the business result from the labour of these workers, even as the workers do not get a betterment in their condition. As part of recent protests during the pandemic, gig-workers associations in India highlighted the decreasing income levels among workers despite the growth in the businesses of Zomato and Swiggy (author observation). Spatial and temporal metrics are key part of the vocabulary that these workers invoke in challenging the logics of the platforms. Even during normal time workers cite a frequent change such as to payment schemes. This situation is considered to be further worsened during the current pandemic, pushing economic precarity even further. The claims by workers for fair pay are hinged on challenging algorithmic calculations of their spatial and temporal activity and in instituting the right way of defining productive labour. For instance, cab-drivers in India have long sought a minimum level of fare per kilometre. But food delivery gig-workers lack this standardisation. Efforts are on to define this minimum pay as one of the main aspects of seeking economic justice within the gig-work.

13.5 Online and Offline Power Asymmetries

Gig-work is deeply embedded in the cultural context of labour in India. Within the Indian context this can been read through the power asymmetries between workers and other stakeholders of the food delivery process. Gig-workers have to navigate specific cultural mores that works against them deriving from issues of power and dignity within Indian labour market. From the very commonly seen social and popular media use of the undignified term of 'delivery boy' to the recent spate of cases involving abuse of gig-workers, food delivery workers navigate a risky work environment and being subordinated to customers within a power hierarchy in the Indian society. For the workers this translates to exploitation, physical risk and loss of dignity during their interactions with customers to whom they deliver and with individuals who work at restaurants or food establishments. Gig-work is spatially

dispersed and without any defined workplace (Heiland 2021). But because of the location-based tasks the restaurant and customer locations become ad hoc workspaces. These workspaces then come with extant power differentials that the gig-workers have to encounter in both digitally mediated and face-to-face interactions.

The first issue of power can be seen within digitally mediated physical processes of food delivery. The digital apps are built with specific design choices that seek to maximise value for first its customers and then the restaurants, since both of these groups are the direct source of revenue. These platform choices naturally predicate that the gig-workers fill in gaps where digital apps and processes cannot effectively dematerialise the delivery process. This creates an asymmetry in power which disadvantages gig-workers in the usually subordinated cultural position within the food delivery ecosystem. For instance, as food delivery still has material processes of packaging, transport and delivery of food, it involves additional and unpaid elements of physical labour and of providing customer service. While the platform companies measure only the spatial and temporal movements of the workers, efforts made towards keeping the customer happy or undertaking labour within restaurant milieus are not accounted for. The workers are put in a position to undertake unpaid labour in doing extra work such as packing food at the restaurant or having to resolve customer payment issues that are in a fair process to be directed handled by the platform companies themselves (Krishna 2020).

A similar asymmetry of power is evident in online practices within the digital apps. This is seen in the surveillance practices of workers using real-time maps, time-controlled tasks, and in how the ratings process works. The platform companies' choice of real-time tracking of the workers using maps that are visible to the customers have a prominent impact on these workers. Customers can know the location of the worker from the point of getting a gig-worker assigned to their order for food delivery up to the actual physical delivery of the package. This has meant that the workers regularly come under scrutiny of the customers who tend to micro-manage tasks using phone calls (author observation). Customers tend to call up gig-workers expecting them to hasten delivery or question the route shown on the map. These factors are almost always algorithmically controlled, and the workers cannot control many of their choices they have to make during the delivery process. Regardless, every customer becomes a potential task master, with many of them calling up the rider while on road to follow up on their orders. Even if the platforms ostensibly discourage phone calls to or from customers, there is a cultural expectation for customer service and that a phone call would be a part of the delivery process. This scrutiny of workers and servility expected by customers renders the transaction unequal between the customer and the worker, as the worker has no information or influence on the customer and has to negotiate interaction in the context of power relationship usually seen between an upper/middle-class customer and a subordinated informal worker.

The ratings process cements further this unequal power relationship. Platform companies use the 'star' ratings given by the customers on the gig-worker's performance as a way to reward additional income. For instance, Zomato provides an

extra Rs 5 for a '5 star' rating. While this reward in itself serves as a weak motivator for workers, there is a constant risk of getting a bad rating or a complaint from a customer (Zomato 2020, author observation). Even one negative input into ratings in most cases can jeopardise the workers daily or weekly progression towards income targets. So, the power of the customer is in retaining tight subjective control of rating the quality of interaction even after the completion of a perfectly satisfactory food delivery transaction. The ratings process is further unequal in that ratings provided by the worker on the quality of interaction with the customer do not usually affect the customer adversely. In fact, for the customer escaping a bad experience with a digital platform is as easy as creating a new profile. For the food delivery worker whose bank account and documentary proof are tied up to their profile, their ratings process creates more of a longer-term impact.

The convergence of these power asymmetries is in the offering of 'convenience' to customers. A typical example is when customers are provided a 'cash on delivery' option during their ordering of food. But as the worker can only transact with the platform company using digital payments, they also fill in an infrastructural gap to directly perform convenience and provide an extra service to customers. This effort does not attract additional remuneration for the workers. In fact, it adds to their inconvenience and worsens their precarity. Platforms necessarily also enforce the level of cash the gig-worker is allowed to hold in hand as payments made by customers for cost of food ordered (ET 2021a). When this limit is hit, the gig-worker is expected to deposit cash into the platform's accounts before taking a next gig. The gig-workers are paused from getting work assigned during this period and can also face being blocked out of the platform if the payment cannot be made. This is time that is unpaid, that the workers must spend adding value to platforms, providing customers with convenience, without due economic benefit for themselves.

13.6 Labour and Data-Rights

On the political and procedural front gig-workers face both labour rights and data-rights issues. This emanates from the digital mediation of their work coming under emergent legislation that lack data-protection or effective enforcement of specific labour rights within gig-work contexts. On both these fronts a recent legislative reframing has been done with an aim to open up the digital economy for investments. In 2020, the union government of India pushed through laws on occupational safety, health and working conditions, industrial relations and a specific social security code that also addressed gig-workers. The cumulative effect of all these were to 'simplify' labour under four specific codes to improve India's standing in the 'ease of doing business' index (BT 2021). This policy changes are more geared towards business friendliness and workers organisations argue that they are left even more precariously poised than before (Scroll.in 2020). This means that the individual worker's rights have been subordinated against the possibility for allowing an open economy in which platform companies can achieve faster growth.

Complementing the labour rights changes, from a data rights perspective, India is seeing changes in how data-sharing is enabled across the digital economy. In this the introduction of Data Empowerment and Protection Architecture (DEPA) is a cornerstone in open data sharing capabilities. DEPA is an evolving consent framework that sits on top of interconnected platforms, within with gig-work falls. Based on informed consent, DEPA enables data-sharing across services and other platforms which are set to connect into an 'open personal data store' (IndiaStack n.d.). This acts as a bid to digitally open up more sectors with easier data flows. This underlying tenet of DEPA is already in play within the gig-work ecosystem. Data generated by the gig-workers exists already within a data marketplace since data-sharing based on business-to-business contracts enables algorithmic and speculative use of the data generated of and by the gig-workers within multiple platforms. For instance, data is already shared by companies like Swiggy and Zomato with background check service providers and other platform companies that provide credit and credit scoring for gig-workers. Though the internal machinations of these services are currently opaque, companies like Avail Finance or Bon Credit have stated the specific ways in which they work (ET 2019; IFTForum 2020). Both these companies enable lending for gig-workers using an algorithmic scoring of creditworthiness. For this the companies use data generated within gig-work platform by the workers during their daily work, and also use the available financial information on gig-workers such as the stream of income they receive from platform companies. Many food delivery workers, especially during the pandemic, have availed credit from such services directly facilitated by the gig-work platform companies.

In such situations, due to spurious consent practices, an absence of actual data-protection provision and the data-sharing principles that are underscored in policy like DEPA, even if a gig-worker does not interact with many parts of connected platform ecosystem directly, their data flows through to other platforms for commercial monetisation practices. The position of gig-workers as users of digital platforms is made precarious since they come under layers of companies that outsource recruitment, fleet and logistics management within food delivery sector all commercially sharing their personal data. For instance, a food delivery worker can be recruited by Shadowfax, a business-to- business service that recruit and manage gig-workers for Swiggy. Shadowfax uses OnGrid a background verification company in its recruitment process (Your Story 2016). Gig-workers generally accept terms and conditions of use only with platforms like Shadowfax or Swiggy as direct users. They then come under the contractual terms as an independent partner. But within these contracts a consent for data-sharing is embedded and their data is passed on. Here the actual informed consent to the individual worker is made a responsibility of platform companies. In case of OnGrid, their privacy policy specifies that 'consent' from individual users (such as workers) need to be sought by platform companies who employ them (OnGrid n.d.). But this does not translate in practice as workers do not get any intimation of how their personal data is used, nor do they have control over or can afford to withdraw from such a transaction.

In essence their data generated feeds into multiple such interconnected platforms each storing and using the data, in most cases in perpetuity.

This convergence of these changes in labour and data-rights of gig-workers is seen in the recently released draft of legislative Rules on Social Security Code, 2020 (MoJL 2020a, 2020b). This code mandates the self-registration of all informal workers including gig-workers into a national database to be eligible to receive social security benefits like pension and insurance. This as soon to be launched 'National Database of Unorganised Workers' requires biometric and digital identification from workers linked with personal and employment data including regular updates from the platform companies (PIB 2021). The individual worker is also expected to directly update and keep their records current in order to avail governmental benefits. The government's position in that an effective program of social security that seeks to provide formal welfare benefits to informal workers needs all these underlying data for planning. The main point of contention here is that procedural and legal lapses exist with no provision for dispute resolution being set for issues which could arise due to inconsistencies in the database. Any contesting claims between worker and the platform companies will adversely impact the workers as the platform companies own and managed all the relevant data.

This politically precarious position of gig-work as labourers sees pushback at multiple fronts. This can be seen in the multiple 'offline' protests done by cab-drivers of Ola and Uber platforms in India. This has been replicated during the pandemic by food delivery gig-workers. Protest and strikes emerged with workers under Swiggy and Zomato participating in multiple instances in cities across in India. There are fledgling efforts in getting a national level organisation under the recently emerging trade union Indian Federation of App-based Transport Workers (IFAT) (author observation). But what is largely missing is a contestation on claiming the workers data-rights as users and data-subjects.

Recent development within the Indian food delivery ecosystems shows that there is a movement towards a claim for data-rights made to the platform companies. Efforts by restaurants are on in claiming their rights to monetise their own data and not secede this to the duopoly of Swiggy and Zomato as platform companies. Local restaurants have sought to promote a '#orderdirect' campaign to control customer data (LiveMint 2021). Swiggy and Zomato provide service to global chains such as KFC or McDonalds where customers can order directly from these chains with data being shared between the platform companies and the restaurant chains. In opposition to this the smaller and independent restaurants lose out on benefits from their own customer data (Inc42 2021). While this development does not directly aid the gig-workers themselves, it shows a possible way in which a data-rights perspective is needed within Indian digital economy to challenge the consolidation of power within platform companies. But at this point the claims made by workers collectives are largely from a labour rights perspective in improving working conditions and income levels. This is expected to step into the data-rights realm mimicking data-trust and collective privacy tactics seen in Europe and the USA.

13.7 Conclusion

This chapter maps out the complex overlaps in the economic and non-economic impact of digital and labour practices within India's food delivery gig-work platforms. The case of gig-work presented here showcase complex inequities that seek to shift the narrative beyond economic impact as it applies to global South contexts. The contestations between platforms and workers as shown here demonstrate that the issues in the economic domain on fairness in pay for workers are entwined with cultural and political factors. As practices within the gig-economy privilege customers over workers, culturally and politically the workers in India navigate a visibly class-based subordination to their customers. The workers are further subordinated by the platform companies through their position as contractors and in the absence of their recognition as users with clear data-rights. Gig-work thus exists in the social context of Indian labour market and its inequalities which are experienced both physically and digitally by the gig-workers. The platform's design and business practice choices replicate extant power relationship but also give raise to newer inequalities within digital realm.

In navigating such a complex situation, a gig-worker is expected to play multiple intersecting roles. A food delivery gig-worker as has been seen in this chapter is expected to be self-employed and work as an entrepreneur to maximise their income. In this they undertake labour of a courier, but also encounter additional labour that a waiter or a restaurant worker would undertake in their subordinated position in the cultural ladder. Navigating the platform-imposed controls, the gig-workers also functions as a proxy customer service agent in resolving issues during their gig. The discussion in the chapter highlights that resistance to such deeply exploitative platform companies' logic must be in form of claims to justice from both labour and data rights perspective. The employment models of gig-economy have been challenged from a labour rights perspective globally. From the recent ruling of the unconstitutionality of Proposition 22 in California - which sought to define gig-workers as independent contractors, to similar legal victories in UK - over Deliveroo and Uber's classification of workers, a labour rights angle of establishing gig-work as a mode of direct employment is ongoing. In India, efforts from this perspective are very nascent. While the recent Code on Social Security fills in the gap of bringing gig-workers closed to organised workers, there are still potential gaps in how this will be enforced in practice, and there remails questions of the code's actual fairness towards the workers.

Further, this chapter provide evidence that India's gig-workers will stand to gain through claims made from a data-rights perspective. Tactics such of collective bargaining for data-rights in the form of data-trust or a data union will be a valid means of countering exploitative effects of gig-economy. As the Indian government is actively reframing its legal position on data-protection, privacy, non-personal data and informed consent, a push for data-rights will be a topical and effective measure for the gig-work sector.

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14

INDIA'S PLATFORM ECONOMY EXPERIENCE

A Site for the Commodification–Decommodification Dynamic

Premilla D'Cruz and Ernesto Noronha

14.1 Introduction

The rise of the platform as a business and organizational model is recognized as one of the most important economic and social developments of our time (Parker et al., 2016). Platforms are truly transformative as they have disrupted traditional companies, upended existing markets and enabled the entry and market participation of small suppliers and flexible workers (Einav et al., 2016). Not surprisingly, some argue that platforms have the potential for creating more democratically organized businesses that provide individuals new ways of connecting and cooperating (Schor, 2014). Thus, the platform economy is perceived to hold enormous potential to address some of the existing economic disparities as access to income and goods and services diversify (Sundararajan, 2016).[1] For workers, it offers freedom from the boss, flexibility and choice to non-professionals in conventional jobs (Schor et al., 2020). Accordingly, it is argued that estrangement, discipline and overwork would vanish as employment relation loses its predominance in the wake of 'an emerging networked society of microentrepreneurs' (Sundararajan, 2016, p. 176).

In contrast, others have argued that things haven't turned out as expected. Platforms are intensifying the worst features of global capitalism (Schor, 2020). The sharing economy increases inequality by turning low-prestige and low-education occupations into part-time positions for the well-educated (Ravenelle, 2019). Those working in the sharing economy are crowd-fleeced with the lion's share of the wealth being re-routed into the pockets of a few platform owners. They work under conditions of wage theft, deregulation, an increased intensification of work and unprecedented workplace surveillance (Scholz, 2017).

In this chapter, we review existing research in India pertaining to both crowdwork and on-demand work while arguing that the impact of gig work is a mixed

DOI: 10.4324/9781003351764-17

bag. In this context, D'Cruz and Noronha (2016) argue positives outweigh negatives, while[2] Seetharaman et al. (2021) and Fleitoukh and Toyama (2020) state that there is no unambiguous evidence of net benefit. Though Indian gig workers seem to benefit in terms freeing themselves from workplace hierarchies, escaping from micro-politics, bettering their incomes, accommodating complex personal schedules and avoiding difficult commutes, algorithms have been used to maximize the companies' business interests and economically exploit workers (Raval and Pal, 2019). Algorithmic control reconfigures the power relations between platforms and workers resulting in precariousness (Anwar et al., 2021; Fleitoukh and Toyama, 2020; Sivarajan et al., 2021). Before we move forward a brief discussion on precariousness at work is required.

14.2 Precariousness at work

Bourdieu's (1963) first used the term 'précarité' to contrast workers with permanent jobs to those with casual jobs (Barbier, 2004). However, by the early 2000s, precarity came to be referred to 'new' forms of insecure, casualized, 'atypical' or 'contingent' employment or work arrangements that were outside the classic Fordist version of full-time permanent contracts with benefits and a living wage. This separated those who enjoyed a bit of comfort and security from those who endured uncertainty, falling wages and exposure to risk (Vallas, 2015; Vosko, 2010). Thus, precarious work came to be understood as a process of increasingly insecure employment and uncertainty, which was linked to the loss of social protections and a rejection of standard employment relationships (Hewison, 2016). Recently, Rubery et al. (2018, p. 510) define precarious work 'as the absence of those aspects of the standard employment relationship (SER) that support the decommodification of labour'. In fact, Rubery et al. (2018) argue that precarization is a twofold 'normalization' process. On the one hand, there is an erosion of SER, and on the other, the spread of non-standard forms of employment (NSFE), which is often portrayed as an alternative to unemployment. In fact, the process of normalization is changing the substantive protections of SER, which ranged from earning a sufficient income to limiting the sale of labour under disadvantageous market conditions. Moreover, precarity is seen not as tied to a single objective indicator but instead as a broader concept consisting of heightened insecurity across a number of dimensions in both subjective and objective respects (Alberti et al., 2018). Objective aspects could include such things as reduced employment, job and income security, work insecurity, reduced access to training, skills and career progression, labour market insecurity, limited social benefits and statutory entitlements, reduced access to employment rights and voice mechanisms and reduced ability to plan life beyond work due to lack of regular hours and clear divisions between work and non-work time (Hewison, 2016; Kalleberg, 2011; Rubery et al., 2018; Standing, 1999; Vosko, 2010), while subjectivity refers to precarity which is not apparent but makes individuals feel increasingly disposable in relation to their organizational superiors (Alberti et al., 2018).

These tendencies clearly exemplify the experience of work in the gig economy which is portrayed as a 'new frontier of precarious work' (Tassinari and Maccarrone, 2020, p. 36) that entails commodification of digitally enabled forms of labour (Veen, Barratt, and Goods, 2020) with few traditional rights and entitlements (Griesbach et al., 2019). These precarious workers have none of the labour or workplace rights of conventional employees or collectively agreed framework governing crowd employment (Webster, 2016). Bereft of long-standing protections, platform workers are forced to shoulder risk for bodily injury, damage to tools and assets, financial malfeasance and harassment by customers, the costs of inadequate demand and loss of earnings resulting from deactivation based on customer feedback (Ravenelle, 2019; Rosenblat, 2018). However, Vallas and Schor (2020) argue that 'this image indulges an overly simplified conception of the platform workforce', which in fact has more heterogeneous experiences (Demirel, Nemkova, and Taylor, 2020). For many, the positives of gig work offset the negatives. This positive view was informed by their relative labour market position and alternatives (D'Cruz and Noronha, 2016; Goods, Veen, and Barratt, 2019). Moore and Newsome (2018) argue that freelancers get 'mobility power' to get better deals by drawing on their informal networks, but at the same time their employment status also enables management to reduce their mobility power by creating the impression of substitutability. Thus, there are contradictory tendencies in the normalization of precarious work that result in both decommodification and recommodification (Rubery et al., 2018).

14.3 Systematic review of literature

With the above framework in mind we undertook a review of the current body of academic literature on the gig economy in India. This covered both crowdwork and on-demand work. To conduct the review, an unrestricted date search using several terms and variations like gig economy India, platform economy India, Zomato, Swiggy, Ola, Uber India was conducted of the Web of Science, Scopus and Google Scholar databases. Only English-language, peer-reviewed, academic papers and newspaper articles were considered. However, our preference was for peer-reviewed journal articles. We found that the literature on crowdwork was sparse and most of the work was mainly undertaken by D'Cruz and Noronha (2016, 2018a, 2018b; D'Cruz, 2017; Leung et al., 2021), while the literature on-demand work pertaining to ridehailing services (Ahmed et al., 2016; Fleitoukh and Toyama, 2020; Prabhat et al., 2019; Sharma, 2020; Sivarajan et al., 2021; Surie and Koduganti, 2016), home services including beauty service work (Gupta, 2020; Raval and Pal, 2019; Surie, 2020) and delivery work which include food delivery apps (Seetharaman et al., 2021; Sharma, 2017) has burgeoned in the recent years. Our review suggests that precariousness was a complex experience with process of both commodification and decommodification being simultaneously present.

We now turn to a brief background of the gig economy in the Indian context.

14.4 The Indian context

As Munck (2013) argues from the global South perspective, work has always been precarious. For instance, India's labour force is divided between a formal (also known as 'organized') sector and an informal (also known as 'unorganized') sector, with around 90% of the labour force (409.6 million workers) within the latter. Formal workers come under employment protection legislation, are predominantly within the public employment sector and are often members of trade unions. Informal workers comprise a mixture of self-employed, small business-based, subcontracted, agricultural and predominantly non-union labour, suffering the worst forms of labour exploitation, the poorest pay and frequently sweatshop conditions. However, the protection afforded to the formal sector has also been under intense pressure and attack over the last two decades, not least through the weakening of the formal/informal sector divide (Noronha and Beale, 2011). Recently, online crowdwork has become thriving segments of what is primarily India's informal labour market (D'Cruz and Noronha, 2016; Kathuria et al., 2017).

Signs of crowdwork were first visible with home-based medical transcription (HMT) which was touted as good news for those who are looking to complement their income by working from home or those who are compelled to stay at home due to personal reasons or family commitments. HMT was supposed to provide the flexibility that allowed people to choose to work whenever they wanted to. Therefore, HMT was seen as an excellent 'career' option for women in India because it allowed them the flexibility to manage their families as well as have financial independence, besides engendering entrepreneurship amongst them (Noronha and D'Cruz, 2008a, 2008b). At about the same time, with the launch of the e-commerce site Flipkart in 2007, India has witnessed the emergence of several platforms that offer 'work on-demand via apps' such as Zomato, Swiggy, Urban Company, Uber and Ola in sectors which cover ride-hailing, courier services, food delivery, groceries and domestic and personal care services (such as beauty, carpentry, electrical, or plumbing services) primarily to serve the needs of middle- and upper-middle-class consumers (Fairwork India Ratings, 2020; Raval and Pal, 2019; Seetharaman et al., 2021). Nonetheless, this growing market for the platform-based economy companies in India is bolstered by rising income levels, a young population and penetration of smartphones and the internet (Surie and Koduganti, 2016). For instance, the growth and differentiation of the middle class have been one of the most significant developments in Indian society since independence. Estimates of its size vary from under 100 million to over 250 million persons, no longer making it a miniscule minority (Béteille, 2017). Further, according to the UN, India will add 300 million people in the working-age group 15–64 years between 2010 and 2040 and will contribute 25% of the world's new workers in the next decade – making it one of the youngest populations in the world (Singh, 2016).

Not surprisingly, India has the second-largest telecom network in the world with a total subscriber base at 1,177.02 million as of January 2020. While tele-density grew from 18.23% in 2016 to 87.45% in 2020, India's active internet subscription

reached 530 million in 2018 (IBEF, 2020). In addition, with a third of households owning a two-wheeler, these gig workers have been aided by the increasing last-mile access for platform workers to reach customers (Fairwork India Ratings, 2020). Further, as the Indian economy slowly decreases its dependence on agriculture for employment, platforms are supposed to absorb those leaving agriculture for the low value-added unorganized sector with low educational requirements (Fairwork India Ratings, 2020; Seetharaman et al., 2021). Today, this population working in the Indian gig economy is estimated to be about over three million workers (Fairwork India Ratings, 2020).

Work on crowdsourcing platforms ranges from low-end micro-task sites to skilled and professional work which includes software product development, design, writing, editorial services, translation, web development and more (D'Cruz and Noronha, 2016). All parties in crowdwork are linked only via projects conducted on the platform or discussion fora provided by the platform and are spatially dispersed across the globe which is not the case of on-demand work via apps (D'Cruz and Noronha, 2018a). The process of acquiring a contract involved checking job posts and preparing bids which showcased the skills, experience, performance and appropriateness of the freelancer for the task. To this end, building a profile, maintaining a positive image, marketing oneself both in general and for a particular job, as well as being entrepreneurial were important facilitators. However, to be selected both clients and freelancers on the site must exhibit a positive reputation by the other party because this is the only means by which they can know each other (D'Cruz and Noronha, 2016). Crowdworkers must ensure that their task performance and overall behaviour are faultless and contribute to a highly rated positive image since this helps them get further work and be retained on the site (D'Cruz and Noronha, 2018a). Once a job is completed, clients rate and comment on freelancers, who, in turn, then provide feedback on the client. Based not only on their work but client ratings and feedback and platform parameters, freelancers can then rewrite their self-portraits. Freelancers also provide feedback about their experiences with clients, discussing the nature of the work and the quality of the interaction. Sometime later, these responses become publicly available, with implications for further success since clients and freelancers consult the displayed profiles to make their choices (D'Cruz and Noronha, 2016).

In contrast, 'on-demand' platforms match open-task requests by connecting customers to a provider (drivers, beauty worker) through the algorithms, networks and data they control. The platforms set fares, the time required to execute a job and receives requests which are assigned to the service provider through an app which generates historical and real-time data to manage assignments and payments (Ahmed et al., 2016; Anwar et al., 2021; Raval and Pal, 2019; Sharma, 2020). Some apps provide instant feedback to workers on completing their service (Sharma, 2020). In fact, there is a constant feeling amongst employees of surveillance and monitoring from the app (Fleitoukh and Toyama, 2020; Raval and Pal, 2019; Seetharaman et al., 2021; Sharma, 2017). Further, some beauty service platforms also have GPS movement tracking and require a selfie and onetime password

(OTP) once the worker arrives at a customer's location. Participants also receive calls from managers if they do not begin their task at the scheduled time or took leave. WhatsApp groups were also formed which allowed managers to remotely monitor beauty service workers on a regular basis. Further, workers are encouraged to keep all customer communications within the platform. Any sharing of personal contact directly with customers can lead to being banned by the platform (Raval and Pal, 2019). Further, platforms expect workers to behave like 'entrepreneurs' – that is, prioritizing customer satisfaction and constantly maintaining good reviews (Anwar et al. 2021). Consequently, there is an attempt to extend the 'professional discourse' in occupational domains that were not traditionally associated with professions (first identified in Indian call centres see D'Cruz and Noronha, 2006) to fulfil customer expectations (Anwar et al. 2021). What is noteworthy here is that such an extension is indeed allowing the platform to 'govern at a distance' by having instilled the disciplinary logics of accountability and the individualization of risk (Noronha and D'Cruz, 2009). This professional discourse is extended to urban middle class Indians who are offered convenience and comfort of a professional service (Raval and Pal, 2019). Thus, algorithmic and non-algorithmic control mechanisms work to prioritize the customer experience over worker well-being (Anwar et al. 2021).

14.5 Precariousness: a complex experience

Like in the West, popular debates beginning with HMT in India have represented gig work as freeing workers from workplace hierarchies, providing them access to higher pay, independence, supposedly offering workers the ability to structure complex personal schedules and pathway to entrepreneurship and ownership (D'Cruz and Noronha 2016; Fairwork India Ratings, 2020; Gupta, 2020; Noronha and D'Cruz, 2008; Prabhat et al., 2019; Raval and Pal, 2019; Seetharaman et al., 2021; Surie, 2020; Surie and Koduganti, 2016).

Not surprisingly, crowdworkers appreciated being able to operate from home and avoid difficult commutes as well as escaping from the micro-politics, supervisory controls and interpersonal issues that accompanied organizational life. Operating from home was particularly important to women with family commitments. This was particularly so for those who were confronted with frequent relocations and childcare and wished to continue with the world of work. For others who wanted to avoid micro politics and preferred working solo, being their own boss was emphasized as an advantage. Besides this, exposure to foreign clients and freelancers added to participants' gains. They could interact with people across the globe, learning about their work and culture (D'Cruz and Noronha, 2016). More importantly, crowdworkers also valued the surety of their returns, highlighting the contrast with the uncertainty in the local labour market where one may not be paid at all, be paid late or less than had been agreed. Further, crowdworkers were happy with their earnings as they could afford decent standards of living (D'Cruz and Noronha, 2016). Authentication checks specify decorum protocol, and a helpdesk

and grievance procedures protect crowdworkers and clients in several ways, providing a supportive work context (D'Cruz and Noronha, 2018a).

Similarly, with regard to on-demand work Surie and Koduganti (2016) argue that in India platforms have rarely been associated with precarity. For instance, given the increase in the earnings of drivers, platforms have provided them with a chance to accumulate wealth over a period of time. In fact, the app-based platforms are not only attractive because of the higher income in comparison with other work alternatives, but also because of the short and predictable payment cycles (Fairwork India Ratings, 2020). Further, the incentives provided by on-demand platforms has motivated many workers to switch from high security jobs such as retail sales, teaching, auto repair, and so on to gig economy jobs like delivery work which pay more (Seetharaman et al., 2021). Platforms also seemed to be more inclusive in terms of caste, religion and class access. They provided jobs to those from marginalized groups and religious minorities who used it as an opportunity to eschews social discrimination in their work life (Prabhat et al., 2019). Even with regard to gender, women workers argue that platform surveillance allowed them to gain access of the labour market (Raval and Pal, 2019). Moreover, some argue that platforms have brought in some professionalization, formalization and standardization of the economy by typically replacing informal institutional norms, enforcing contracts and upskilling in terms of soft skills (Heeks, 2020; Prabhat et al., 2019; Surie, 2020). These mechanisms were seen as fairer than in-person management and in some ways helped them overcome patriarchal structures, negotiate customer disputes and overcome customer request to work for them outside the platform. Besides this, professionalism served as a polite euphemism to deny sexual favours and undesirable work (Raval and Pal, 2019).

14.6 Interface with precariousness

At the same time, the Fairwork India Ratings (2020) report argues that precarity emerges from income insecurity, customer interaction and labour insecurity which gets reflected in working conditions and the ambiguity of the regulatory landscape. Our review of literature is in keeping with the report; however, we discuss precarity mainly in relation to income and labour precarity.

14.6.1 Income insecurity

Initially, in order to win their participation of workers labour platforms lured them with promises of higher wages; however, once these platforms start to gain market share, they withdraw the incentives that were offered to workers and switch to policies that are more profitable and sustainable to business (Surie, 2020). For instance, the incentives offered by Ola and Uber when they started their operations in Bangalore in 2011 and 2013, respectively, had declined drastically by 2017. Similarly, incentive structures offered by Zomato and Swiggy also became significantly less favourable by 2019 (Fairwork India Ratings, 2020). Therefore, as the labour supply

increased, incentives are no longer required to be provided, resulting in declining incomes and under-employment of on-demand gig workers (Seetharaman et al. 2021; Heeks, 2020). This withdrawal of the promotional incentives enhances the precariousness of workers (Fleitoukh and Toyama, 2020) particularly when the platform is the only source of income for an individual (Raval and Pal, 2019). The Covid-19 crisis only accentuated this precarity for those on-demand workers who preferred to stay at home – some faced financial ruin while those who continued to support the local communities with delivery of medicines and groceries put their life at risk with lower rewards of up to 60% and no respite from algorithmically controlled daily targets (Krishna, 2020). Moreover, the effort of platforms to provide personal protective equipment to workers was inadequate with many workers having to purchase their own masks and gloves (Atal, 2020). When on-demand platforms eased the policies on contact-free delivery, it was hard for workers to practice social distancing (Atal, 2020; Mehta and Kumar, 2020). Thus, the pandemic highlighted the absence of actual care and accountability for the workers that were expected of digital platforms and the state (Atal, 2020).

In fact, instead of platforms like Ola and Zomato taking responsibility of providing relief to workers who worked on their platforms during the pandemic, they sought to pass on the responsibility to the customers (Atal, 2020). This was because platforms consider workers to be 'independent contractors' or 'partners' or 'self-employed' not only to escape from a formal employment relationships but also to pass the burden of fixed capital costs, recurring expenses like fuel, insurance and maintenance costs as well as unexpected costs such as traffic fines and towing charges as platforms on to the workers (Fairwork India Ratings, 2020; Graham et al., 2020; Sharma, 2017). This positioning of platforms as intermediaries with no liabilities results in an inequitable bargaining relationship between the platform and the worker, limiting the latter's ability to negotiate wages or working conditions (D'Cruz and Noronha, 2016; Graham et al., 2020; Gupta, 2020). Rather, this ambiguity of employment status allow platform companies to make their own rules with respect to wages and working conditions enhancing workers vulnerability (Fairwork India Ratings, 2020; Seetharaman et al., 2021). In such a situation, workers are left to cope with the uncertainties of working as independent contractors without any support and protections that traditional employees have (Seetharaman et al., 2021).

Nonetheless, the bargaining power of the worker is further truncated by algorithms as workers lack understanding of how the system works. This was particularly so with regard to ridehailing apps. Drivers were increasingly wary and dismissive of the app's dynamic pricing algorithm determining the fare for a ride. They expressed distrust as the app did not take into account the rate fluctuations, even in surge areas. The dynamic fare fixing, along with a high commission charged by the platform and deferred payouts, impacted the earnings of drivers (Sivarajan et al., 2021). More so, the algorithm induces competition among drivers eliminating their chances of getting incentives (Ahmed et al., 2016). In the case of delivery apps, senior workers attributed the declining income to algorithms

assigning more jobs to first-time workers to keep them engaged (Seetharaman et al., 2021). Further, while the algorithms constantly monitor the performance of drivers through parameters such as number of acceptance rates per day and number of cancellations resulting in monetary penalties or rating downgrades, they collect little information from customers, affording the latter more control. Customers evaluate and discipline workers but prevent workers from doing the same. In cases where workers rate customers, they are unlikely to suffer the same impact from bad ratings like employees. This power imbalance between the treatment of workers and customers reinforces precarity (Ahmed et al., 2016; Fleitoukh and Toyama, 2020). For instance, while a cancellation by a worker has cost and rating repercussions, when clients cancelled the service after workers arrived at their homes or even midway during the service, workers were trained to quietly pack and leave (Raval and Pal, 2019). Similarly, Ola's estimation of arrival time was often inaccurate, as a result customers cancel their ride or leave before the Ola auto arrives, causing drivers to burn fuel without compensation (Ahmed et al., 2016; Fleitoukh and Toyama, 2020).

Clearly, the stress of maintaining customer satisfaction and high ratings translates into workers accepting unreasonable treatment by customers. For instance, customers expected beauty workers to do extra work such as cleaning the entire apartment in addition to performing their beauty tasks; any refusal to do so would impact their ratings which in turn resulted in beauty service workers being sent to retraining or being excluded from the platform without opportunity for explanation (Raval and Pal, 2019). Likewise, workers on some platforms like Zomato, Ola and Uber experience temporary ID blocks and permanent suspensions without any means to appeal these decisions that impact their earnings (Fairwork India Ratings, 2020). Besides lacking in income and job insecurity, gig platforms do not provide basic protections, like health insurance, minimum wage, working hours, gratuity and overtime pay, Employees Provident Fund, Employees State Insurance and collective bargaining rights (Fairwork India Ratings, 2020; Seetharaman et al., 2021).

With regard to crowdworkers engaged on online platforms, the race to get work led freelancers to lower their bidding rates. This situation gave rise to considerable dissatisfaction and disillusionment. Bullying behaviours from fellow crowdworkers occurred on project teams, during the bidding process or via general interaction fora, being attributed to insecurity linked to the competitiveness of surviving and excelling and to racial bias. Crowdworkers from developed countries were hostile towards Indian workers because the lower rates for developing countries undercut the former in terms of remuneration and opportunities (D'Cruz and Noronha, 2016; D'Cruz and Noronha, 2018a). Intimidation, aggression and abuse got manifested through text messages on the platform or through oral or written means off the platform. Negative acts ranged from insulting remarks, excessive criticism, extreme hostility, threats, allegations about misbehaviour, slandering, exclusion, micro-management and unmanageable deadlines and workloads and were either one-off or repeated incidents (D'Cruz and Noronha, 2018a). Besides, the competitive bidding process causing uncertainty, workers were also confronted with the

issue of fraud. Being cheated by clients who disappeared after project completion without making payments was common (D'Cruz and Noronha, 2016). Thus, full-time crowdworkers were also under pressure to maintain continuity in their work and income, participants had to extend themselves by staying up at night to check posts and put together appropriate responses to Western bids circulated during the Indian night (D'Cruz and Noronha, 2016).

14.6.2 Labour precarity

Though the 'gig' or 'flexible' labels suggest that this work is part-time or moonlighting work (Noronha and D'Cruz, 2008), there was a dire need to work longer. Not surprisingly, Indian workers overwhelmingly work full time and are mainly dependent on platforms for their livelihood (Fairwork India Ratings, 2020; Prabhat et al., 2019). To achieve an income that could sustain them, on-demand workers work longer than the legally permissible 48-hour week (without overtime wages) (Fairwork India Ratings, 2020). In fact, delivery workers were always active on the app meaning thereby that they had to be constantly 'on-the-job,' work odd hours, work on holidays and vacation periods hoping to get enough of orders to meet their daily targets. The algorithmic regime of delivery apps was aimed at optimizing the time taken for each delivery, thereby reducing opportunity for idling and casual interactions between jobs (Seetharaman et al., 2021). Moreover, these hours are not always predictable and could also involve extended periods of waiting between orders (for which they were not paid) or spill-over delays caused by clients resulting in monetary penalties for the worker (Fairwork India Ratings, 2020; Raval and Pal, 2019). For instance, even when workers reported late for their task because of commuting delays or incomplete addresses furnished by the client or delays because of a unprofessional customers who keep them waiting, a penalty was automatically imposed by the platform through a dynamic penalty system (Raval and Pal, 2019; Sharma, 2017). In addition to the long-term health consequences of working long hours, workers were also exposed to physical risks of heavy traffic and harsh weather conditions while driving on a motorbike or carrying packages that need to be handled with care (Krishna, 2020; Fairwork India Ratings, 2020; Seetharaman et al., 2021; Sharma, 2017). This becomes more pertinent in the case of delivery workers who assume the ownership of the product until it is delivered or handed over to the final customer, in other words, they were liable to pay in case the parcel was displaced or lost (Sharma, 2017). Besides this, the individual nature of work, often being performed at odd hours of the day, increased the chances of physical danger (Seetharaman et al., 2021). For beauty service workers these dangers were omnipresent as they performed work in private locations at homes of strangers (Raval and Pal, 2019).

Further, the platform work model presents challenges for workers to connect and create networks of solidarity. Workers are often isolated, atomized, and placed in competition with one another (D'Cruz and Noronha, 2016; Fairwork India Ratings, 2020). In fact, platform companies by making it very difficult for

workers to communicate with one another, quell any possibility of collectivization and peer-to-peer communication (D'Cruz and Noronha, 2016). In addition, the Indian mindset of antagonism and apathy towards unions, the identity of being professional status deterred workers to collectivize (see Noronha and D'Cruz, 2009). With regard to on-demand gig workers, Gupta (2020) argues that the isolated nature of work and limited interaction restrict women beauty workers from building solidarities that coalesce into collective action. More so, workers are reluctant to express their voice because of the risk of being deactivated (Graham et al., 2020). This is further aggravated when employees passed on information about other co-workers to team leaders, who then scuttled any union formation (Sharma, 2017). In fact, income security is prioritized over other forms of security like unionization and collective bargaining (Sharma, 2020; Surie, 2016). Similarly, crowdworkers appeared nonplussed by the issue of legislation because, in their schema, since platforms transcended national boundaries and were not employers, such paths were unavailable, as the extant literature states. Platforms are 'borderless' and hidden from view, operating outside legislation and social dialogue (D'Cruz and Noronha, 2016). Obviously, that international labour laws, frameworks and policies could be crafted to suit situations like online labour markets (OLMs) did not strike them. Similarly, they did not consider that national legislations, frameworks and policies could be devised or amended to include OLMs. Further, it did not occur to them that labour and information technology/IT laws could both be of significance. In fact, crowdworkers shared capital's view of the importance of free market dynamics. Yet, collective action and legislation being potential sources of agency and power could help crowdworkers adopt more problem-focussed strategies, pertinent particularly in instances of cyberbullying with clients and fellow crowdworkers off the site which had no avenue for resolution within the platform's redressal mechanisms. Overall, then, in addition to platform design and directives which constrain their agency, crowdworkers are further hemmed in by their schema which reflect the internalization of the ideology of capitalism. Crowdworkers inadvertently accept the prevailing dominant ideas of society, consenting to the positions of both the powerful and the exploited and reinforcing the further embeddedness of these skewed dynamics (D'Cruz and Noronha, 2018b).

14.7 Towards decommodification

At the same time, on-demand gig workers perceive violations when their demands went unheeded, they disengage with app-based work and devise ingenious hacks or *jugaads* (asking passengers to cancel the trip midway and offering them a slightly lesser fare), switching between apps and gaming the system (Sivarajan et al., 2021). For instance, despite restrictions on direct solicitation, some workers establish direct relationships with customers to avoid paying platform commission (Raval and Pal, 2019). They either used the leads brought to them by the platform to set up recurring work or formed a network through these leads to get more work. This allowed him to enter new spaces in the city, such as new apartment buildings, and to use

the word-of-mouth recommendations of these new clients to generate more work (Surie, 2020). Further, the bait-and-switch tactic adopted by platforms – luring workers in on expectations of particular levels of income but then making changes – has led to strikes in many locations (Heeks et al., 2020). Strikes have also been resorted to when confronted with work-related issues, such as leave, workload or timing aimed at bettering their precarious situation (Fairwork India Ratings, 2020; Fleitoukh and Toyama, 2020; Sharma, 2017). This has also resulted in union formation and legal action. For instance, the disillusionment and discontentment among the drivers of Uber and Ola with regard to pay and working conditions, the Delhi commercial driver union in 2017 filed a writ petition under Article 226 of the Constitution before the Delhi High Court contending that Uber and Ola drivers are 'workmen' under the Industrial Dispute Act, 1947, as both Uber and Ola instruct, supervise, manage and control the drivers. The driver has no freedom and independent decision-making in the entire sequence of actions. They accept bookings through a mobile based application, the driver has no say in deciding the chargeable fare or the routes to be taken, payments made by customers are received by Uber and Ola directly, the drivers do not enjoy the freedom to decline the booking and have to put up with arbitrary deductions in their payments. Further, there is constant monitoring of the drivers by Uber and Ola to check quality standards and below par performance may lead to a deactivation and suspension from service. The petition also seeks support from the Barbara Ann Berwick v/s Uber Technologies Inc decided by the Labour Court of California and in the case of *Mr. Y Aslam v/s Uber B.V. & Others* decided by the Employment Tribunal of London, which held that drivers are employees of Uber. There are several such cases pending before the High Courts which we intend to follow up.

Being part of a community also reduced the social isolation of gig workers (Seetharaman et al., 2021). Worker networks provided more than just opportunities for friendship. Social support can range from offering to fill someone's gas tank if they are low in cash to defending workers during times of physical disputes. These networks were also critical for on the job safety. Fearful over performing delivery work alone they utilized their peer networks for protection. Workers often grouped together especially during times of physical distress or are attacked and meet with accidents (Seetharaman et al., 2021). Besides this, some formed chit funds whereby employees contribute towards a fund to be utilized for meeting any emergency with respect to self or family. For instance, this fund was used by delivery workers who lost their bikes or required to purchase smart phones (Sharma, 2017). They sought feedback about delivery locations, risks of cash on delivery and whether they should take certain jobs (Seetharaman et al., 2021). Likewise, drivers share tips about traffic congestion, best hotspots and current surge rates provided creates a sense of community (formal and informal) that might allow them to collectively resist the power of ride-sharing companies (Fleitoukh and Toyama, 2020; Sivarajan et al., 2021).

Besides approaching courts, there has been an effort to apply sector-specific regulations such as Food Safety and Standards Authority of India (FSSAI) and the

Motor Vehicles (Amendment) Act 2019 that require aggregators register and have a license to operate. In addition, the Motor Vehicle Aggregator Guidelines, 2020, provides a framework of rules for states to regulate the service conditions and tariffs of the aggregators. These sector-specific regulations can also affect the earnings and working conditions of platform workers (Fairwork India Ratings, 2020). The Motor Vehicle Aggregator Guidelines, 2020, ask aggregators to ensure that every driver is provided with a health insurance and a term insurance integrated with the aggregator for an amount not less than Rs 5 lakh and Rs 10 lakh respectively with base year 2020–2021 and increased by 5% each year. In addition, a compulsory training of the drivers will include topics such as efficient use of the app, provisions of the Motor Vehicles Act, 1988, careful driving, motor vehicle maintenance, on-road safety and first-responder training, terms and conditions of the contract with the aggregator, gender sensitization, and so on which will have to be undertaken at the time of their induction. The aggregator will also need to conduct a five-day refresher training programme for the drivers at least once a year. Aggregators should develop a mechanism on their respective Apps to ensure that drivers engaged with more than one aggregator do not drive beyond a cumulative period of 12 hours either on their or another aggregators App and subsequent to that should have a mandatory break of ten hours. Additionally, the app will have to be accessible in a language that is understandable by the driver. Ensuring the safety of women employees and drivers by introducing mechanisms to protect their rights, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. These provisions under the Motor Vehicle Aggregator Guidelines, 2020, are interesting and we will try and understand the nuances of implementing the same.

Further, the new Code on Social Security, 2020, aims to provide social security to a wide group of employees such as a gig worker which includes platform workers who is defined as 'a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationships. According to the code the Central Government shall frame and notify suitable welfare schemes for unorganized workers on matters relating to (i) life and disability cover; (ii) health and maternity benefits; (iii) old age protection; (iv) education; and (v) any other benefit as may be determined by the Central Government. These schemes may be through a combination of contributions by the Central Government, the State Government, the aggregators or by the beneficiaries of the scheme. The contribution to be paid by aggregators is envisioned at 1–2% of total aggregator turnover. The National Social Security Board, as outlined in the Code on Social Security, will have oversight of the welfare of gig economy workers and will include five representatives from aggregator companies and five representatives of gig workers. However, the implementation of the Code has been deferred beyond the intended deadline of 1 April 2021.

Lastly, through yearly ratings Fairwork endeavours to empower platform users to make informed decisions about which platform they would like to give their business to, thus contributing to pressure on platforms to improve the working conditions of platform workers (Fairwork India Ratings, 2020).

14.8 Conclusion

The rise of the platform as a business and organizational model is argued to be truly transformative (Parker et al., 2016; Schor, 2014). The platform economy is perceived to hold enormous potential to address some of the existing economic disparities (Sundararajan, 2016) Besides that, it offered freedom from the boss, afforded flexibility and choice to non-professionals in conventional jobs (Schor et al., 2020). In the Indian context, it will be difficult to deny that some of these benefits have accrued to gig workers. Platforms were a site for contradictory tendencies of commodification as well as decommodification (Rubery et al., 2018).

Indian gig workers seem to benefit in terms freeing themselves from workplace hierarchies and micro-politics, bettering their incomes, accommodating complex personal schedules, avoiding difficult commutes as well as escaping from the supervisory controls and interpersonal issues that accompanied organizational life. However, at the same time they experienced precariousness which meant a transfer of risks away from employers and towards workers, resulting in job insecurity, uncertainty, instability and vulnerability which is characterized by limited social benefits and statutory entitlements (Kalleberg, 2011; Vosko, 2010; Hewison, 2016). Precarity for Indian gig workers mainly emerges from income and labour insecurity which gets reflected in working conditions and ambiguous regulations around their identity. The labelling of gig workers as 'independent contractors' or 'partners' or 'self-employed' not only shifts the costs of daily expenses to the workers but also enables the platform to escape from a formal employment relationship. Besides this, income insecurity was related to decline in income due to withdrawal of promotional incentives and passing of the burden of fixed capital costs, recurring expenses unexpected costs.

Precariousness also emerged because of the truncated bargaining power of workers emanating from the constant monitoring of their performance by algorithms and customer feedback which resulted in monetary penalties or rating downgrades, temporary ID blocks and permanent suspensions. The Covid-19 pandemic only intensified this precarity. The crisis highlighted the absence of actual care and accountability for the workers from both the digital platforms and the state. Gig workers are also barred from basic protections like social security, minimum wage, working hours, gratuity, overtime pay and collective bargaining rights. Besides this, labour insecurity emerged from the individual nature of work, often being performed at odd hours of the day which increased the chances of physical danger and reduced access to traditional forms of support from the platform and state. For some, safety issues also emerge from physical risks of heavy traffic and harsh weather conditions while driving on a motorbike and carrying packages that need to be handled carefully. With regard to crowdworkers, precarity emerged from the competitive bidding process and exposure to the risks of fraud gave rise to considerable dissatisfaction and disillusionment. Thus, precarity is not tied to a single factor but multiple factors as enumerated above (Alberti et al., 2018).

Despite restrictions on direct solicitation and incentives based on targets, some workers establish direct relationships with customers to avoid paying platform

commission, they either used the leads brought to them by the platform to set up recurring work or formed a network through these leads to get more work. This allowed him to enter new spaces in the city, such as new apartment buildings, and to use the word-of-mouth recommendations of these new clients to generate more work. Further, the bait-and-switch tactic adopted by platforms – luring workers in on expectations of particular levels of income but then making changes – has led to strikes in many locations. Strikes have also been resorted to when confronted with work-related issues, such as leave, workload or timing aimed at bettering their precarious situation. Clearly, despite this precariousness, gig workers display agency. The inclusion of gig workers under the new Code on Social Security, 2020, and sector-specific regulations points towards efforts to decommodify.

Notes

1 The gig economy also known as the 'platform', 'sharing', 'crowd-based' or 'on-demand' economy is defined as an economic system that uses an online digital platform to directly facilitate the outsourcing, assignment, distribution and completion of individual tasks by an unknown and undefined set of workers or individual service providers. However, it is useful to make a distinction between 'crowdwork' and 'work on-demand via apps'. Crowdwork which is also labelled as the new international putting-out system of labour (NIPL) (Leung et al., forthcoming) operates through online platforms that connect clients, organizations, and businesses across borders spread over large geographic distances while 'work-on demand via apps' is place-based and geographically limited work requiring direct interface between gig workers and those requesting services (Valerio de Stefano, 2016).
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15

ENTREPRENEURSHIP, INFORMALITY AND THE PLATFORM ECONOMY

The Resignification of Precariousness in Brazil

Jacob Carlos Lima

15.1 Introduction

Looking at the platform economy in the context of deregulated and increasingly informational economy and globalization (Castells, 1999), what immediately springs to mind is informalization. A "high-tech" informalization, represented by the intermediation of apps and digital devices, but which seems to be also a return to the old and traditional forms of informality that historically have prevailed in the so-called peripheries of capitalism. Although such return also seems to take new and more diversified features and workers. Now, informality reaches not only the (considered) "low-educated and unskilled" migrant workers from the South who are constantly struggling to deal with the borders created to prevent their entrance in the Global North but also new contingents of (considered) qualified workers who have started to work under new, flexible labor conditions, without regular ties to companies as they are hired merely as service providers. They are the new Precariat discussed by Guy Standing (2014): young people with no career, job or future prospects – only occasional "gigs".

In countries such as Brazil, marked historically by informality, the platforming of labor continues the prevailing precarity. New contingents of workers, unemployed due to successive economic, political and now sanitary crises, see now the occasional and insecure jobs intermediated by apps as a possibility to get by in a context of lack of alternatives. Thus, self-employed "service providers" replaces wage relationships perceived as "outdated". Formal workers lose their relevance when compared to these "service providers", seen now as entrepreneurs of themselves, responsible for their own employability and survival. As the State has long withdrawn from its role of guaranteeing the social reproduction of the workforce, the "worker-entrepreneur-provider" has to look after themselves. Entrepreneurship, thus, has become the dominant ideology of this new spirit of capitalism,

DOI: 10.4324/9781003351764-18

replacing the collective with the individual (Boltanski and Chiapello, 1999: 49). Nothing of these features described so far is actually very new, but it has become, indeed, politically hegemonic in the last few decades.

The ubiquity of information technology affects all sectors of human activity, causing profound changes in social relationships. Work, and its central place in organizing life, have been particularly affected by the economic and political transformations of recent decades in which technologies can be seen as an important, although not a determinant variable. Neoliberalism (which could be referred to as technoliberalism) and its flexibility present in its production system, in distributing goods, in the use of the labor force, and in its re-spatialization in global terms rely on technology developed from these characteristics. Deregulated capitalism is its product and its goal, and it returns to its initial foundations in which capital had no limits in the exploitation of labor force.

The twentieth century, marked by social struggles and the capital-labor conflict, ended in what was apparently to be a defeat of labor, the end of the class struggle, the end of history (Offe, 1984; Fukuyama, 1992). But history never stops moving and soon the fallacy of this proposition became evident. Labor remains more necessary than ever, despite pessimistic predictions of its demise, in which information technologies would play the role of the executioner. Rather than the end of the work, it has become precarious, in the opposite direction to what we saw in the period between 1945 and 1970, considered the glorious time of social capitalism (Harvey, 1994).

The deregulation of labor represents a return to the original capitalism of the nineteenth century, returning to the precarious, original character of wage labor, as discussed by Marx. The "new" feature would be in the use of information technology, which allows the flexibility of work processes and the use of the labor force. The prevalence now is of temporary contracts or the absence of any contract. The mediations of capital-labor relations are now made through digital platforms that depersonalize and deterritorialize the figure of the boss.

The gig economy has ended up being the high-tech version of informality, and this is increasingly perceived as flexible labor, ideal for companies that only use the labor force when they need to, ridding themselves from labor contracts and obligations. Entrepreneurship is its cultural expression, a positive justification for increasingly precarious labor relations. Some workers incorporate this ideology, in the name of an illusory autonomy, accepting precariousness and lack of rights as a way of having paid activity. No longer the prospect of a future programmed through work and access to social rights, but of the risk, of instability as a way of life (Sennet, 2010; Bauman, 2001; Harvey, 1994; Beck, 2001).

The aim of this chapter is to discuss the historical continuity between informality and gig economy in Brazil by analyzing the (de)regulation of labor relations where I take into account the transition from a social welfare State to a social malaise State. To this end, I have historically recovered the Brazilian regulation of labor relations from 1930 onwards, and the beginning of its deregulation from 1990 in the name of modernization and global competitiveness. Then I discuss the 2016

political changes in which narrow-neoliberalism is recovered based on dismantling the regulatory frameworks of the employment relationship. Next, I discuss platforming in a context of economic, political and pandemic crisis and an increase, once again, in informality – which is now perceived as the only way forward.

15.2 Brief contextualization

In Brazil, historically, only 50% of the workforce has had access to work with a regular wage, represented by stable contracts and social benefits, within what we know as peripheral Fordism (Lipietz, 1989). These regular jobs were linked to occupations in the State, civil service, and large industrial and service companies.

This situation began in the 1930s, following the worldwide trend of State intervention to guarantee the reproduction of the workforce and, thus, contain the advance of the workers' movement and socialist ideology strengthened by the Soviet Revolution in 1917. Although industrialization was in its infancy at the beginning of the twentieth century, some Brazilian cities already had contingents of factory workers and significant mobilization, due to the presence of many European immigrants among these workers with experience of struggle in their countries of origin. It was common, during that period, for anarchist and socialist militants to be expelled from the country. In 1917, there was a general strike in the city of São Paulo, suppressed by the government, which considered the social issue a matter of police (Pinheiro, 1977).

After the so-called 1930 revolution, in which oligarchies linked to coffee exportation were defeated, an industrialization policy began, led by the State, and the Ministry of Labor, which began to regulate the capital-labor relationship, was created in the same year. State recognition of unions ensured control over union mobilization through a set of rules establishing the need to register union approval with the Ministry of Labor, as well as approval of strikes and other mobilizations. From the Ministry of Labor, certain worker social rights were gradually established, culminating, in 1943, with the Consolidation of Labor Laws (CLT), which established rules to be observed by companies when hiring labor, as well as a system for inspecting these standards.

Following the CLT, Brazil began to have "regulated citizenship" (Santos, 1979: 75), in which social rights were linked to formal employment, within a stratification of occupations recognized and regulated by law that gave access to social rights. This citizenship was represented symbolically by the work card, created in 1932 and which became workers' main identification document. Registration in this portfolio implied an employment agreement, an eight-hour working day, a minimum wage set by the government, overtime, paid rest, vacation, access to health care and retirement.

It is worth noting that issues related to regulating work have always been dealt with by the business community and economic elites and echoed by the press, which, in Brazil, has always acted in defense of the interests of these elites. Thus, during the campaign to free slaves, in 1888, the press pointed out that the country's

economy would break down. The same happened when the CLT was passed, which was strongly resisted by business and faced continued attempts at sidestep it. Which situation returns whenever labor rights are on the agenda. As we will see later, when it comes to withdrawing rights, the business community unites to defend such withdrawal as essential for economic growth.

However, it was not until 1985 (32 years later) that this legislation came to include rural workers. This can be interpreted as a government strategy to lower the wages of urban and industrial workers, guaranteeing low agricultural prices, which strongly influenced the reproduction of these workers. It was a period of mass countryside-city and inter-regional Northeast-Southeast immigration, mainly to the states of São Paulo and Rio de Janeiro. From a country with a mostly rural population in the 1940s, with only 31% living in cities, this percentage was reversing and in 1970, 56% of the population was urban, while in 2010 it was 84%.

During the first Getúlio Vargas Government (1930–1945) and after the coup d'état and dictatorship, installed in 1937, known as the *Estado Novo*, the Department of Press and Propaganda (DIP), created in 1939 as the State's censorship agency, directed radio stations and composers to exalt labor as an intrinsic value of the nation, as opposed to *malandragem* (trickery) as its image, especially residents of the city of Rio de Janeiro, then capital of the republic. *Malandragem* was linked to the hills of the city where the poor lived, to samba and carnival. In addition, there was an ethnic-racial component, the majority were black, and in the popular imagination, blacks freed with the end of slavery did not like to work. After all, work was synonymous with slavery and drudgery, manual labor, it became a reference to poverty, to blacks and mulattos who wanted nothing to do with work. Thus, popular sambas began to exalt labor, which contributed to the consolidation of an ideology of labor as access to rights and recognition as a citizen.

The 1950s was marked as developmentalist, and development came to mean modernization and industrialization. Multinational branches were established in the country and a new industrial worker was formed. However, this process was incomplete and differed according to region. It was in this period that studies on "social marginality" began, aiming to explain those workers outside the formal labor market, composed mostly of workers of rural origin – day laborers, paid by the day, and doing whatever they could (Costa Pinto, 1958; Kowarick, 1975).

In this period, the union movement and social movements for the land were also given impetus by the democratic governments of that decade, despite the political crises of the period and the constant military threat. This threat materialized in 1964, against a government considered populist on the left, under calls to arms such as agrarian reform to serve rural workers in conflict in the large sugar cane estates in the Northeast, and the growing demands of urban workers linked to state-owned companies, industries, banks, workers in large companies and largely union members.

Alleging the ever-present "communist threat", a military coup established a dictatorship that lasted 21 years and arrested, killed and tortured workers, prohibited strikes, intervened in unions, eliminated political parties, all in the name of "safe"

modernization, maintaining oligarchic domination in the country and subordination to American politics, which by the way, not only supported the coup but participated in it. In these 21 years, concentration of income in the country was justified by the needs of economic growth. From the second half of the 1970s, the dictatorship went into decline with the major economic crisis and loss of support from elites unhappy with the direction of the economy. During this period, strikes were carried out with brutal police repression, and from 1978 on, a strike movement began among metallurgical workers in the Greater ABC region in São Paulo, outside the unions controlled by the government, and led by workers from automobile manufacturers, then one of the most qualified and well-paid groups of workers. The government again sought to repress and arrest union leaders, but this time without success, workers resorting to different strike tactics within the factories and in the service sector (Antunes, 1992; Blass, 1992; Rodrigues, 1990). These movements, together with other social movements on the outskirts of cities and in the countryside, strongly influenced by groups linked to the liberation theology of the Catholic Church, drove a broad front for democratic freedoms that led to the fall of the military dictatorship in 1985. As a result of these manifestations, the Workers' Party was established in 1981, constituted as a mass party, aggregating several left tendencies and led by Luiz Inácio Lula da Silva who became president of the country in 2003.

The mass party, Fordist workers, to a large extent, organized and grew at a time when Fordism was going into crisis in the central capitalist countries along with the global crisis of the left, and the neoliberal wave that installed itself and expanded starting in 1980. Defending workers' rights, it marked a moment of consolidation of the ideology of labor. Although these movements were concentrated on formal workers, the prospect of an employment contract and a career within a company, access to work, housing, food, marked their struggles.

Formalization, linked to the idea of modernity and industrial development, was configured as an effective chance of social mobility. On the other hand, accelerated urbanization since the 1950s had also resulted in growing informality represented by workers who were left out of the modernization process, due to low levels of education and qualifications, who increased the number of workers outside the formal labor market and thus excluded from social rights.

15.3 The old and the new informality

Social marginality accompanied the urbanization process, greatly expanding its peripheries. Migrant workers settled in suburban areas increasingly distant from the center of cities, on hills or areas unconducive to human habitation, such as riversides and rugged terrain. Slums, tenements and housing developments became the habitat of this working class for whom formality was a project and informality and precariousness the reality they encountered. If they obtained formal employment, then that same job was lost due to the pressure of an immense industrial reserve army. In order to survive, workers got by with *viração* (gig), turning their hand to

whatever they were able in a variety of occupations; the construction industry, domestic employment, street vendors in city streets and squares, in small units producing clothes, shoes and articles of popular consumption, in small tasks such as weeding a garden, helping to unload trucks, small domestic services and others without any kind of contract.

This "viração" has always existed among poor workers, but has taken on an increasingly visible dimension, becoming part of the urban issue and of government concerns for managing urban space increasingly occupied in an unplanned way, creating a duality between the legal city and the informal/illegal city topographically reproducing the supposed duality of the informality-formality relationship.

Beginning in 1972, with ILO research in Ghana, the term informality came to be used to explain this duality that apparently characterizes underdeveloped or developing countries. In Brazil, some analyses have highlighted this duality as false, since formality and informality are part of the same process of capital accumulation, in which the "modern sector of the economy" depends on the existence of the "backward" sector. In reality, this duality functioned as a large industrial reserve army guaranteeing low labor costs. In other words, it enabled this uneven and combined development that would mark social and economic processes on the periphery of capitalism (Oliveira, 1976; Kowarick, 1975).

It would also explain difficulty in raising workers' awareness and even the construction of a class identity, since workers circulate intermittently between formal and informal, in the latter, in theory, being self-employed (Oliveira, 1987).

15.3.1 Productive restructuring and labor reforms: precariousness as a project

If, until the 1980s, informality in Brazil was perceived as linked to backwardness in industrialization, characteristic of a poor country, this interpretation was changing due to the neoliberal influences already affecting Latin America. In 1988, in a study carried out in the city of Lima, the Peruvian economist Hernando de Soto affirmed the entrepreneurial character of the Latin American informal worker and that the problem of informality was not the absence of State and regulations but its excessive presence. And he demonstrated the survival and creativity of this worker to "get by", in a context in which regular jobs were few. The State suffocated workers who were naturally creative in their struggle for survival (1987).

This debate was accompanied in the 1990s with the entry of neoliberal governments into the region, along with productive restructuring caused by new organizational and informational technologies, the discussion of flexibility of production, commercialization and consumption. Privatization of public companies, opening up markets and internationalization of the economy, organizational restructuring of companies, labor reforms towards outsourcing productive activities, all resulted in an exponential increase in unemployment and informality in Brazil in this decade, reaching 60%. Although official unemployment rates were around 7%, (IBGE) this rate did not monitor unemployment resulting from restructuring and adherence to

informality on the part of workers, with the elimination of formal jobs. The informality rate is more representative of the situation of formal unemployment in Brazil during this period. Some 546,000 formal jobs were lost with the privatization of state-owned companies and corporate restructuring (Pochmann, 2001).

The collapse of the socialist bloc contributed to a weakening of collectivist ideas and neoliberalism emerged as the sole discourse for the salvation of capitalism. With unemployment, unions were weakened by losing members and some of their rallying cries. Movements were now towards professional requalification to face so-called structural unemployment with the elimination of skills and training.

The debate on entrepreneurship that had been taking place in central countries since the previous decade also came into play. In Brazil, a series of policies aimed at supporting informal production hubs distributed throughout the territory and aimed at low-income consumption, became models of entrepreneurship and od the need to make labor relations more flexible in order to reduce the cost of Brazil, which in theory, made Brazilian companies less competitive in the international market (Martins and Barbosa, 2011).

The idea of entrepreneurship began to be disseminated by state agencies and to state companies that reflected the need for workers to be their own entrepreneurs in the face of job losses and the need to improve their lives. This idea remained even under the popular governments of the PT (Workers' Party), being replicated by both the political right and the left. PT governments created programs aimed to justify micro-entrepreneurs as a way of enabling workers to escape informality and have access to social rights.

This period also saw the resurgence of attacks on the CLT, viewed as outdated and obsolete and blamed for the "high cost" of the workforce in Brazil. Some labor reforms were implemented under the Itamar Franco and Fernando Henrique Cardoso governments with the objective of flexible labor relations. Of the measures implemented, the following stand out: hiring outsourced work by labor intermediation companies with the co-responsibility of the contracting company; being able to hire workers through professional cooperatives; expanding the use of temporary work; encouraging the dismissal of civil servants; expanding the use of part-time work (up to 25 hours per week); permission to hire public servants outside the civil service statute; instituting the apprentice contract; permitting retail trade on Sundays; restricting strikes and mobilizations; limiting union membership in the public service and punishing strikes (Campos, 2015: 17).

These measures were strongly opposed by the Workers' Party, then the main opposition, and by workers who, in this decade, organized strikes, movements and stoppages, although the specter of unemployment had reduced the number of mobilizations and the rate of unionization compared with the previous decade.

From 2003, under the government of the Workers' Party, although the neoliberal fundamentals remained and no structural reforms were carried out, a set of compensatory social policies were implemented that have had positive results in the Brazilian economy and in terms of social well-being. There was an appreciation of the minimum wage and regular work that resulted in a reduction in

informality, which reached 48% of employed workers (Leite and Sallas); the real increase in wages and income supplementation policies such as the *Bolsa Família* that led to Brazil being removed from the world map of hunger, for the first time in the history of Brazil, according to a report by the United Nations Food and Agriculture Organization (FAO) published in 2014. This was in addition to other policies supporting family farming, a solidarity economy, affordable housing. It is worth highlighting how informal workers sought formalization through the Individual Microentrepreneur policy which, as we have already said, incorporated the "entrepreneur" as an autonomous chance of guaranteeing employability. This policy began to be demanded by companies dismissing workers and re-hiring them through the policy, which replaces capital-labor relations with company-company relations, in which they hire "service providers".

Even with these changes, and a small reduction in informality, the flexibilization of work received new impetus, this time from technological transformations arising from computerization and the internet: labor intermediation platforms.

15.4 Platforming, informality and precariousness

The informalization of production and services in Brazil took on new characteristics with the end of the IT law, also passed by the military regime, which protected the hardware market for Brazilian companies. It never worked very well given the cost of domestic production and smuggling of parts that enabled computers without a defined brand to be assembled. With the end of the market protection, the Brazilian hardware industry lost significance when international car manufacturers established themselves in the country. The government began to encourage the development of software to meet the demand of an expanding market, mainly for bank automation processes and telecommunications equipment. This impacted the technical capacity required with the emergence of computer courses and impact on employment of these professionals in a heated labor market. This explains why the activity of developers, which is characteristically flexible and who work on projects, in countries such as the USA and England, is characterized in Brazil by regular jobs within CLT norms and is not very flexible (Miguez and Lima, 2016).

The same occurs with the Call Centers, which become major employers in the country with the outsourcing of activities by banks and communication and credit companies, in general services and not requiring highly qualified workers. They become the main employers, employing more than 1,600,000 workers under formal contracts. The fact that the contracts are formal does not mean they are not precarious.

It is worth distinguishing here between precarity and precariousness. When we refer to the precarity of work, we refer to something inherent to capital-labor relations; the subordination of workers to bosses and the obligation to meet the demands of the job, precarity is attenuated by regulating these relationships, setting limits on the exploitation of the workforce through establishing working hours, weekly rest, vacation, health protection, retirement, etc. Precariousness refers to

loss of these rights, a situation which occurs in the processes of flexibilization of work based on neo-liberal reforms. In the case of call center workers, the precarity lies in the intensity of the work process, which means that this sector has one of the highest job turnover rates, compared to historically precarious civil construction with high levels of informality (Lima and Bridi, 2018).

In 2014, Uber began offering its services in the city of Rio de Janeiro and quickly expanded to other Brazilian cities. The concept of the search platform to bring together service provider and those requiring these services, reducing costs, given there was no Brazilian law to be followed, disrupted taxi services and even the precarious bus services in the country, an oligopolized and historically bad service.

Uber's pioneering spirit was accompanied by other Brazilian and international companies that used digital platforms to offer services. For workers, now service providers, the platform replaced bosses, now diluted in the digital network. Therefore, we have neither bosses nor, in theory, workers. Self-employed, autonomous, entrepreneurs are categories used to define these workers without a boss, in the now digital informality.

Its arrival in Brazil was controversial and coincided with the deepening economic and political crisis culminating in the impeachment of President Dilma Roussef in 2016. This crisis increased unemployment and, once again, informality. As happened in other parts of the world, each Brazilian city regulated the service in its own way, or has not yet regulated it at all, with the service being rendered in a certain tolerated illegality. In 2020 there were 1.000,000 drivers/ deliverers are registered with the company, a number that increased with the pandemic (Uber Newroom, 20/08/2020).

Before characterizing these workers, we must contextualize the political and economic crisis the country suffered, starting in 2014, with a rearticulation of the political right against the government of the Workers' Party, the lawfare of the judiciary branch and corporate media against the Workers' Party and the left, in addition to the government's own tactical missteps. A systematic campaign against alleged "unprecedented" government corruption, culminated in the impeachment of President Dilma Roussef with Vice President Michel Temer taking over the government.

In the two years of the Michel Temer government, labor reform was carried out with extreme speed, removing all limits that previous reforms had not been able to achieve, such as permitting temporary work, outsourcing, zero-hour contracts, in short, the de facto flexibilization of the CLT, in addition to making it difficult for workers to go to court to claim rights, since the burden was moved to the workers themselves. There was, at the same time, a social security reform, making it more difficult to retire. These reforms were carried out with business consultancy and took advantage of a climate of union disorganization with the campaign against the Workers' Party.

Another consequence of this process was former President Lula da Silva being prevented from running in the 2018 elections with his arrest based on a legal

farce widely tolerated by institutions such as the legislative and judicial branches, with explicit support from the armed forces. This resulted in the election of the extreme right candidate, an ex-military man who had been a representative for 30 years without making any great political impact. In the wake of Trump's election in the United States and using social media, fake news and other techniques, he was elected with a typical government proposal of Hayekian liberalism toward the economy and conservatism toward customs. Counting on the connivance of political forces which defined themselves as center right, and on military threats, he assumed government with authoritarian discourse, defending military accused of torture in the dictatorship and threatening the institutions.

One of his first measures was to dismantle the Ministry of Labor, and one of his speeches on employment in Brazil stated that informality was the best way, asking "Do you want rights, or do you want jobs?" His government has been a tragedy in every sense, from scientific negation, neglect of health care in the context of a global pandemic, in addition to systematic attacks on the environment, supporting deforestation in the Amazon, education, dismantling social achievements, attacking indigenous populations in addition to other absurdities I will not list here as they are not within the scope of this article.

Thus, during the COVID-19 pandemic, Brazilian workers face health and political challenges, which together have meant precarious working and living, in which platforms end up being one more element.

In a range of surveys conducted with app drivers, initially responses were those doing it while between regular jobs, those who were there for a while and some who wanted to do it because they were independent and managed their own time. Later, with the difficulty of returning, they began to naturalize their presence in this occupation, justifying by the freedom they allegedly had to work as much and whenever they wanted. The same happened with motorcycle or bicycle delivery boys for the various companies that were organized and/or established in Brazil, such as Rappi, Amazon, Uber Eats, IFood and Loggi (Abilio, 2020).

The arbitrariness of the Uber app and those of similar companies that were organized and/or entering Brazil as 99, Cabify, Wappa and Lady Driver, in turn, led to these workers demanding increased tariffs, reduced fees paid to the companies, more security with more detailed passenger registration; the end of promotions removing the driver's entire profit, review of evaluations and exclusions, in addition to information about the management algorithm, a fact known only by companies.

But Uber's entry was accompanied by the platforming of a category of workers that had been growing since the 1990s, namely *motoboys* who make all types of deliveries. Until then, they had worked either contracted by companies or informally as couriers or food delivery services as a way to streamline delivery in cities marked by chaotic traffic that made getting around a problem. *Motoboys* are workers who own their own motorcycle and offer services to one or more companies. With the platforms, the majority migrated to "computerized" informality, without any contract. In 2019, their number was estimated at 950,000 (DIEESE, 2020). Other

delivery boys use bicycles or even walk to make deliveries. What they have in common are long hours and low income.

With the pandemic, there is expected growth of 56% in delivery boys and 42% of delivery drivers, including those working through apps. According to Manzano and Krein (2020: 67) based on PNAD COVID 19 data from the IBGE (Brazilian Institute of Geography and Statistics), the informality rate of these workers increased substantially, in 2020 it represented 71.8% of motorcyclists and 59.5% of car drivers and minivan taxis. The profile of these workers is mostly male, 94.9% of drivers, 97% of motoboys, 93.9% of freight deliverers. Of these, the majority are also black, which reflects the racial profile in Brazilian social inequality: 58.8% of drivers, 65.8% of motoboys and 61.7% of delivery boys.

The pandemic exacerbated conflicts with applications, and on July 1, 2020, there was the first national strike by motoboys and delivery boys, the so-called break the apps. Motivated by the lack of support and security in the pandemic, the workers organized the movement through WhatsApp, due to the fact that companies do not enable backpacks to be cleaned, do not offer hand sanitizer, masks or even support in case of infection. Organized by the movement known as "antifascist delivery boys", its demands were far from the union discourse for social rights, which indicates a cultural shift with regard to the perception of the relationship between work and social rights. Considering the CLT to be very rigid, and with the lack of a common call to arms, the demands were for a set minimum number of hours worked and basic rights to meals, security, paid leave, fair rates, and an end of the scoring and exclusion system. Although with a strong resistance to politicization and unions, this movement served to demonstrate the importance of these workers and as an apprenticeship for other forms of mobilization that has continued in Brazil.[1]

15.5 Conclusion

We perceive a convergence of situations in which the precariousness of work and life become dominant trends. But just as we can speak of a variety of capitalisms, these trends may be more present in some countries than others. The informality that has always been endemic in Latin America has always been accompanied by supposedly liberal political dictatorships, which makes it the most socially unequal continent on the planet.

Brazil holds a prominent place in this social inequality and politics has an important role. Using Elias' concept of social process, we can say that, historically, Brazil has gone through cycles of growth and democratization, but whenever there is an agreement among the popular classes, a setback occurs. The state apparatus is strongly instrumentalized by the dominant classes, which guarantees the legality of regressive and undemocratic processes.

After the 2003–2016 period of left-wing governments, in which there were unquestionable social advances followed by reduced unemployment and informality, compensatory social policies to complement income and democratic freedoms,

impeachment, also known as a legal parliamentary coup, led to the dismantling of social achievements going back decades. A whole legal framework protecting workers which, even if limited to only the 50% of the workforce with formal ties, has been dismantled. In this context, digital platforms operating outside the laws of the countries in which they are installed and base the costs of services provided on this evasion of tax, are added to the tendency toward precariousness resulting from labor market flexibility policies to meet the needs of financialization of capital.

Entrepreneurship becomes the ideology of the day, in which collective workers disappear due to individualization and responsibility for their own social reproduction is all on the workers. This ideology operates in the growing fragmentation of the working class, in which part of the workers do not recognize themselves as such. This situation challenges unionism and collective action to resist advances in precariousness. Even so, new forms of organization are emerging. The same technologies that work to subordinate and exploit labor can be used to organize mobilizations and in the search for more rights. These mobilizations, which take place in Brazil and worldwide, are embryonic as yet but may indicate new forms of resistance.

In 1999, Beck (2001) wrote an article about the transformations of work in a con text of transitions from a work society to a knowledge society. He highlighted that the social structure of the West is "thus coming to resemble the patchwork quilt of the South, characterized by diversity, unclarity and insecurity in people's work and life" (2001: 1). The name of the article was "The Brazilianization of the West". I would add that the plataformazation of work, the gig economy, confirm Beck's hypothesis.

Note

1 There is a large newcast about the "break the apps" and these unfolds in the web: See among others www.brasildefato.com.br/2020/07/30/a-guerra-continua-prometem-entregadores-dos-breques-contra-apps#:~:text=O%20movimento%20conhecido%20como%20%E2%80%9CBreques,Rappi%2C%20Uber%20Eats%20e%20Loggi. https://diplomatique.org.br/breque-dos-apps-direito-de-resistencia-na-era-digital/

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PART IV

Migration and Platform Work

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16

CONTACTLESS DELIVERY

Migrant Experiences in the Platform Economy

Tyler Riordan, Richard Robinson and Gerhard Hoffstaedter

16.1 Introduction

Food delivery has taken place for hundreds of years and, until recently, has been dominated in countries such as the United States by restaurants delivering Chinese food and pizza (Rude, 2016). Workers were typically employees of the businesses that they delivered for, with wages supplemented through customer's tips. However, alongside the rise of the internet and digital technologies, food delivery through platforms such as Uber Eats, Grubhub, Deliveroo, Rappi and Meituan has become more common. Such 'gig' platforms rely on 'on-demand' workers who are typically independent contractors. Research on platform workers is growing; however, many studies focus on ride-share services with relatively less emphasis on the experiences of food delivery workers. This sector is built on flexible work arrangements which are associated with precariousness and financial insecurity for workers (Griesbach et al., 2019). The sector is an attractive option for temporary migrant workers, and Covid-19 has further amplified the marginalisation of this cohort (Baum et al., 2020).

This chapter provides an overview of the circumstances of food delivery workers in the platform economy in the global North, presented through the experiences of temporary migrant workers. Even though immigrants from the global South conduct the majority of food delivery work in countries such as Australia, few academic studies focus on their involvement in the platform economy (van Doorn et al., 2020). This chapter explores how food delivery is experienced by temporary migrant workers in Australia. Although similar structural issues are present globally, food delivery workers' experiences differ according to local context. Following the introduction, the chapter will provide an overview of the defining characteristics of food delivery work in the platform economy. The chapter will be brought to life through the inclusion of case studies representing different worker

DOI: 10.4324/9781003351764-20

perspectives. To protect the identity of interlocutors, research data are presented using composite identities. These case studies are based on 12 months of ethnographic fieldwork involving shadowing and semi-structured interviews with 24 temporary migrant food delivery workers in Brisbane, Australia. The case studies present daily experiences of food delivery workers as they traverse the city and are broadly representative of the majority of food delivery workers. The majority of these data were gathered by the lead author using an innovative shadowing method whereby the researcher worked alongside workers while they completed delivery orders by bicycle, e-bike and car. These case studies are then connected to the contemporary literature to explore why this cohort chose food delivery work and how they experience the platform economy. This research highlights the transactional nature of workers' interactions and relationships. Irrespective of the mode of delivery, this research demonstrates how all food delivery workers are treated as disposable by digital platforms. Recent data suggest approximately 20% of Australians now use food delivery platforms as customers (Stansfield, 2021). The research presented in this chapter is valuable as it goes beyond the hype of the gig economy, to uncover what life is really like for the essential workers who take risks to bring food to consumers' doors.

16.2 Food delivery in the gig economy

Food delivery was historically conducted by workers from the community in which they work who were directly employed by restaurants. In Australia – where this research is based – most food delivery workers are now classified as self-employed independent contractors as part of the 'gig' economy. This work is mediated by a digital platform, and workers usually supply their own equipment such as vehicles, mobile phones and insulated delivery bags. Work mainly paid per piece platforms, often adapt an incentive-based payment systems (Wu et al., 2019). Some platforms offer hourly rates and priority 'slots', which can be booked in advance (Richardson, 2020). Earnings can also be enhanced through dynamic pricing where platforms offer higher payment rates to ensure coverage at busy times (Shapiro, 2017). Workers do not have access to the internal operations of the platforms and do not know how their payment is calculated (Cant, 2019). In a recent survey commissioned by Uber, delivery workers requested more dependability of earnings and additional support and responsiveness to feedback from platforms (Accenture, 2021). However, platforms also claim that such flexible working relationships are fundamental to their business models (Deliveroo, 2018; Uber, 2018). This is subject to multiple legal challenges (De Stefano et al., 2021), and critics argue that current arrangements limit worker rights and exclude them from labour protections (Goods et al., 2019).

Food delivery workers' earnings are typically below minimum wage (Goods et al., 2019; Mellino et al., 2021), and operating costs and other responsibilities shift to workers (Zwick, 2018). Financial, epistemic and physical risks are also the responsibility of individual workers (Gregory, 2020). Further, this relationship

means that workers receive limited training, which leaves contractors in disadvantaged positions in the labour market and at risk of long-term unemployment due to lack of experience in more formal positions (Goods et al., 2019). In response, research initiatives have emerged which identify platforms that use progressive practices and advocate for fairer treatment of workers (Graham & Woodcock, 2018). Workers have also reported negative treatment from restaurant staff, customers and the general public (Cant, 2019; Ongweso Jr & Kaori Gurley, 2020).

Due to food safety requirements and quality control, restaurants and platforms need workers to be readily available and to deliver as fast as possible. This model requires workers to be connected to the app and waiting in the right place at the right time (even though this time is uncompensated). For workers to be able to deliver food 'on-demand', they also need to be detached from other activities (Richardson, 2020). In order to have enough workers available, platforms need to encourage workers to be online. Such models require more workers available than necessary to deliver limited orders, which leads to increased competition (Altenried, 2019).

Some platform workers enjoy the flexibility and autonomy of their work (Dubal, 2019; Jarrahi et al., 2020). However, the flexibility and agency afforded to food delivery workers are often limited (Barratt et al., 2020; Richardson, 2020) and associated with precariousness (Griesbach et al., 2019). Platforms are reliant upon the physical labour of workers (Gregory & Sadowski, 2021). Delivery work is also inherently dangerous with accidents and deaths of workers reported across the world (Tulett, 2019). However, due to the self-employed status, workers and their families may not have access to compensation following accidents or death (Om et al., 2021).

A key feature of platform labour is algorithmic management, which is used to allocate tasks and measure performance using data on metrics such as speed and efficiency. Algorithmic control is central to the operation of online labour platforms (Wood et al., 2018). Duggan et al. (2020) define algorithmic management as a system of control where algorithms are responsible for decisions which affect labour and limit human involvement and oversight in the process. Algorithms replace human supervision and collect data to assign, direct, track and discipline workers (Duggan et al., 2020). Algorithmic management limits worker power and also serves the purpose of silencing worker voice (Kougiannou & Mendonça, 2021). Algorithmic pressure and surveillance also place intense time pressure on delivery workers (Altenried, 2019). As work is broken down into small tasks, data can easily be generated and collected (Casilli & Posada, 2019). However, data are controlled by platforms (van Doorn & Badger, 2020) and inaccessible to outsiders (Hawley, 2018). Algorithmic discrimination is also a concern (Prassl, 2019). Workers are rated by customers on the completion of tasks, and the rating systems also functions as a performance measurement tool (Chan, 2019). While consequences for poor performance vary, negative ratings can result in changes to rankings and status (Wood et al., 2018) and 'deactivation' or termination of workers without cause (Rosenblat & Stark, 2016). These decision-making processes are hidden

from workers (Veen et al., 2020), who do not understand how algorithms organise or dispatch work (Gregory, 2020). These information hierarchies disempower workers and discourage pride in work (Cant, 2019). The absence of feedback and customer service is a major concern for workers (Accenture, 2021). In the event of something going wrong, workers have limited avenues for recourse (Vandaele, 2018).

These features of platform-based food delivery limit human intervention and reduce the agency of 'anonymised' workers. All aspects of the food ordering and delivery process are broken down by platforms into manageable tasks. Orders are received and allocated by platform algorithms and offered to workers via mobile phone applications. Delivery directions are issued through global positioning system (GPS), and each stage of the labour process is only revealed following the completion of the previous task (Veen et al., 2020). The information provided to workers is limited, and they need to quickly decide to accept or reject orders, which constrains their ability to make fully informed decisions (Shapiro, 2017). While workers have autonomy over minute decisions such as when to work or accept tasks, control hinges on the decisions made by platforms through algorithmic management (Shapiro, 2017). Decision-making for workers is further complicated by the opaque nature of the consequences for rejecting orders, meaning workers accept undesired orders in the hope of favourable treatment (Shapiro, 2017).

Food delivery workers have developed a range of strategies to improve their circumstances and rework the labour process (Veen et al., 2020). Workers help and support each other through impromptu meetings on the streets, in restaurants and through social media and group chats (Cant, 2019). Food delivery workers across the globe have also begun to demonstrate, collectivise and form or join established unions (Cant, 2019; Feng, 2021; Tassinari & Maccarrone, 2020). These connections are often facilitated through relationships which are built during extended waiting times for deliveries. Delivery riders have also developed strategies such as forming rapid-response networks and communities of support to minimise risk and help each other (Feliz Leon, 2021; Gregory, 2020). In addition to disruption, Ferrari and Graham (2021) have identified other fissures in algorithmic power such as manipulation (e.g. rejecting jobs in the hope of better offers) and subversion (e.g. subtle exploitation of loopholes in beneficial ways). Food delivery workers also carry out other individual and collective acts of resistance against platforms, algorithms, restaurants and customers.

The impacts of the above differ according to the backgrounds of workers. Platform labour is predominantly undertaken by racial minorities (Dubal, 2021) and migrants (van Doorn et al., 2020), who find it an attractive proposition due to the limited barriers to entry. Platforms target economically vulnerable workers for whom such work is relatively lucrative due to their exclusion from other areas of the labour market (Zwick, 2018). Migrants have higher qualifications than Australian-born people and are more likely to be underemployed (Productivity Commission, 2016). Temporary migrants are three times more likely to be platform workers than citizens (McDonald et al., 2020), and their motivations for joining platforms differ

to non-migrants (Holtum et al., 2021). Young males conduct most food delivery, and 80–90% of workers are visa holders (Victorian Government, 2020). Platform work also attracts undocumented people and those who have limited work rights who can illegally rent accounts (Franceschi-Bicchierai & Kaori Gurley, 2021). Many employers in industries such as hospitality are reliant on migrant workers as a source of precarious labour (Marmo, 2019; Tataryn, 2013). Precarity can marginalise and exclude vulnerable populations such as migrants (Alberti et al., 2013). These problems are amplified in this cohort due to unfamiliarity with local systems and lack of social capital (Côté et al., 2019). Migrant platform workers experience greater levels of job insecurity than non-migrants (Holtum et al., 2021). The Covid-19 pandemic has further intensified such issues for migrant food delivery workers (Riordan et al., 2020). Female delivery workers face gender inequality and harassment and have unique safety concerns (Fletcher, 2021; Gogarty, 2021). Further, delivery workers report poor treatment while working and routine indignities such as a lack of restroom facilities (Ongweso Jr & Kaori Gurley, 2020).

Effects also vary according to the mode of vehicle workers use to deliver. Depending on the local laws, delivery workers can typically choose to deliver with a standard bicycle, electric bicycle,[1] moped/motorcycle or car. However, vehicle choice can impact the types of orders a worker can comfortably carry out and is influenced by other factors such as delivery distance and availability of parking. Some migrant workers do not have enough capital to purchase their own vehicles and need to hire them from others, which can expose them to predatory behaviour from lenders.

Case Study #1 Manu – a Latino student who 'multi-apps' on an e-bike 'fulltime'

Manu is a 29-year-old international student who signed up to Uber Eats the first week he arrived in Australia. His sister encouraged him to start food delivery to raise funds to support his studies and pay back debts he incurred in the migration process. Manu is attracted to the job as it reminds him of when he used to accompany his father on trips as a long-distance truck driver. Manu has also registered an account for Door Dash and Deliveroo, though he is still waiting for an outcome as those platforms are more in demand as they are currently offering slightly higher rates of pay per delivery. Manu likes doing food delivery as he can practice his English, get to know the city and hang out with friends between deliveries. He chose to work with Uber Eats as he has limited English capability but can still do the job.

Although his visa stipulates that he can only work 21 hours per week, Manu estimates that he spends between 50 and 70 hours on the platforms. As he is only paid for time spent doing deliveries, he believes that he is 'working' within his hour limit. Manu usually works from 10 a.m. to 10 p.m. most days. On weekdays, he aims for $150 a day and on weekends he can earn up to $300 a day. In order to maximise his

FIGURE 16.1 Manu uses a sandwich bag to protect his phone from the rain

earning potential, Manu tries to only accept orders above $7 and under two kilometres. He typically cycles between 20 and 40 kilometres per shift.

Manu hires his e-bike from a 'friend of a friend'. It is the fourth different e-bike he has used since starting 14 months ago. When he gets a puncture or has issues with the battery, the owner gives him a 'new' bike while the other one is 'being repaired'. Manu usually works in the entertainment district of the city and uses his creativity to protect his equipment (Figure 16.1). He doesn't like to take deliveries to the city centre as he is worried that his e-bike will be stolen.

Manu was recently 'deactivated' as the platform claimed he was delivering too fast. He was asked to upload insurance documents for his vehicle (car or motorcycle) and licence details. He tried to complain to the platform that he was not using a motorised vehicle and sent multiple 'selfies' with his e-bike, only to receive irrelevant automated responses through the app's question-and-answer feature. When he eventually chatted to a real person, they did not engage with his situation and replied with copy-and-paste responses about insurance and licencing details. The situation was further complicated by his low level of English-language skills.

While Manu's account was suspended, Manu had no income and no means of government support. He relied on friends and family for food during this difficult time. He also rented a friend's Menulog account for $100 a week so that he was able to continue to do food delivery. Manu started to look for other opportunities and now works as a subcontracted cleaner each morning and occasionally unloads shipping containers around the city. After six weeks Manu's account was reactivated, and he started delivering again the next day. He was confused about why it happened and did not know why they decided to reactivate the account. Manu is back working 'full time' for Uber Eats, though he hopes to find a 'real' job in the hospitality industry soon.

Case Study #2 Ashfin – master's student from the Middle East who rides a bicycle 'part time'

Ashfin is 34 and came to Australia to study a master's degree in international business at a top-tier university. Ashfin already has two master's degrees from his country, where his family also owns a large logistics

business. He has dreams of doing a PhD in Australia. As such, on advice from his migration lawyer, he diligently logs his work hours to avoid exceeding 21 hours per week and breaching his visa conditions.

Ashfin uses an old mountain bike that he bought second-hand on the Facebook marketplace. It is his second bike as the previous one was stolen – which took away his livelihood. Although the bike is good for casual cycling, he finds it difficult to work more than three hours at a time due to physical and mental exhaustion. He needs to avoid obstacles while working (Figure 16.2) and has to be selective about the orders he can take due to the physical challenges. Rainy, hot and humid days are especially difficult. He typically works only on the weekends or at night after class, which he prefers as the streets are quieter. He likes 'contactless delivery', as he does not need to talk to customers.

Ashfin aims for $50 on night shifts and $100 a day on weekends. Payments average around $15 an hour during the week and are slightly higher on weekends. Ashfin can only cycle around 20 kilometres a day before he has to stop due to pain in both knees.

Ashfin had an accident last year causing him to miss a few months of work. Despite his high level of English and knowledge of bureaucratic systems based on his military service, Ashfin was unable to access

FIGURE 16.2 Ashfin waits for a break in traffic

Uber's insurance. He was told that due to the economic sanctions on his country, the US-based insurance did not cover him in Australia. As an independent contractor, he was ineligible for workplace insurance.

Ashfin delivers food in order to cover his apartment rental and to pay for cigarettes, which are about 25 times more expensive in Australia. He is also supporting his mother who got stuck in Australia following border closures as a result of the Covid-19-related travel restrictions.

Ashfin recently had another accident and has been off work for six weeks. The financial pressure is taking its toll, and he is falling behind in his university studies. He looks forward to starting delivery again soon, as he prefers it to cleaning and does not like having a boss telling him what to do.

Case Study #3 Olivia – a worker who drives a car 'part time' as a 'side-hustle'

Olivia is a 19-year-old who delivers food when she needs money to cover her expenses in Australia. Olivia works occasionally and fits her shifts around her social engagements. Olivia runs a business online with family members in her home country. She likes to work for Deliveroo as the average pay is around $15 per order compared to $6–10 on Uber Eats. She often has both of the apps open at the same time in order to increase her chances of getting preferable deliveries. Recently, she has had good runs averaging $40–50 per hour. Olivia does not take expenses into account, though she admits that she will need to put oil in the car soon.

Olivia eats a lot of chocolate and other snacks while she is working. She is careful to choose clothes that are not too revealing as she does not like the unwanted attention that she sometimes gets, especially at night. While waiting for orders, she calls her friends or watches TV on her phone.

Olivia was unable to register for a car account, so she chose a bicycle account instead. In order to complete the pre-ride safety checks she keeps a bicycle helmet on the back seat when she needs to take a 'selfie' to verify her identity (Figure 16.3).

Olivia drives 'like a South American' and always feels pressure to work faster. This means she sometimes runs red lights and parks her car in disabled parking bays as there is 'no other option'.

According to local traffic laws, drivers are not supposed to touch their mobile phones while driving. This means that when Olivia receives offers from the app while driving, she often has to risk a fine and accept orders after only a quick glance. Olivia explains a work-around that she has developed:

> When the order comes I quickly check to see if there are any police around. I then take a screen shot of the order and accept it. I then find somewhere to pull over and check the image on my phone. If I like the order I go to the restaurant. If I don't like it, I cancel it and drive again until another order comes through.

Olivia often chooses to work on sunny days as she enjoys driving around town in the air-conditioning, and she knows that pay is increased as there is less competition for orders due to the hot weather. Olivia plans on taking an overseas trip next year, so she will continue doing delivery until she has enough money to pay for her plane ticket to Europe.

FIGURE 16.3 Olivia sits in her car and takes a 'selfie' as part of the bicycle safety features

Case Study #4 Anthony and Carolina – a Spanish-speaking couple who both do food delivery

Anthony and Carolina are a young couple who arrived in Australia from Central America a month before the first Covid-19-associated lockdown. They both come from working-class backgrounds and feel lucky to have 'high-class' qualifications in law and engineering. They are grateful for the sacrifices of their parents who 'have worked in humble jobs like cleaning all their lives'.

Carolina started food delivery in her first weeks in Australia, while Anthony secured a job as a migration lawyer. However, he was soon made redundant following extended border closures and a reduction of international students in Brisbane. Anthony then turned to delivery, and they often worked shifts together with their days and paths intertwining. At the end of each night, they would share a meal together and discuss their 'adventures' on the bikes.

After a few months Anthony was hit by a car and hospitalised. He was unable to work, and in his words 'lucky to have his wife to support him' while he recovered from serious injuries. However, this was physically demanding on Carolina, who had never ridden a bicycle before starting food delivery.

Anthony started food delivery again despite warnings from his physiotherapist. He often finds the loads in his backpack too heavy, and sometimes he has to return home earlier than expected in order to recover enough to deliver again the next day.

Anthony now starts work before dawn as early mornings can be beneficial due to reduced traffic and fewer pedestrians. Most of his deliveries are to people who are up partying or recovering from the night before, which can mean more potential to make tips but brings additional hazards as 'drunks are unpredictable'. He also works the lunch and dinner shifts, which are the most profitable hours. Carolina only occasionally does delivery as she has started working part time in childcare, which she loves. However, she often feels lonely as she rarely sees her husband anymore due to their differences in schedules.

16.3 Discussion

Food delivery workers in the platform economy have varying experiences according to time, place, background, financial and social capital, and so on. The flexible nature of food delivery offers many benefits,

though these can come at an individual cost to workers as highlighted in the case studies. These challenges and associated risks are more exaggerated for migrant workers who find life in Australia expensive. Food delivery work is primarily carried out by migrants from the global South who rely on it as a primary source of income (McDonald et al., 2020), and many end up in precarious circumstances (Barratt et al., 2020). However, temporary migrants often choose the gig economy as the conditions are considered better than the alternatives available to them in industries such as hospitality, cleaning and agriculture. Despite varied experiences and individual circumstances, food delivery workers are all managed by the platforms in similar ways irrespective of whether they deliver by bicycle, e-bike or car. Further, as independent contractors, platforms treat delivery workers in transactional ways, and workers are seen as interchangeable. However – as the case studies demonstrate – workers are humans with wide-ranging experiences. Despite the challenges, many migrants like and enjoy food delivery work due to its flexibility and autonomy. This role also helps them to develop social and economic capital.

The case studies highlight that from the workers' perspectives their experiences vary according to the type of vehicle a worker selects. Platforms appear to take some minor factors into account when assigning some orders; however, it is up to individual workers to decide whether to accept or decline orders which are offered to them. Variations by vehicle type are particularly felt in relation to delivery experience and waiting time. Workers who deliver by scooter or car can work faster and for longer, which leads to higher payments (Barratt et al., 2020). In a typical hour, workers such as Olivia are able to earn between $30 and $50 while people like Ashfin and Manu stand to make only $20. Platforms frequently change payment rates and promotions without notifying workers. Workers who use cars are often the most comfortable due to their protection from the elements and relative safety; however, they face additional costs. On the other hand, bicycle accounts are the easiest to open and have relatively few expenses or start-up costs. As Olivia demonstrates, some workers end up delivering by car even though they have registered with bicycle accounts. Other workers register with bicycle accounts, but deliver by skateboard and electric scooter. Bicycles are preferable in built-up areas such as city centres as they are easier to navigate in traffic jams and access to parking is less complicated and free.

Bicycle riders face unique challenges and are particularly vulnerable due to their increased exposure to the elements, pedestrians and other

road users. On top of poor weather conditions, difficult terrain can further complicate the work and labour of delivery cyclists (Gregory & Maldonado, 2020). The act of cycling for work is physically and mentally demanding. In response to such pressures many delivery workers have chosen to use e-bikes. However, e-bikes come with additional considerations such as risk of robbery or crime and predatory lenders. Some authorities have been accused of heavy-handed tactics which unjustly target migrant workers (Lee et al., 2016). Food delivery cyclists often have little say in cycling infrastructure. Lee et al. (2016) argue that this means migrant food delivery cyclists are seen as 'invisible' cyclists from a planning perspective, yet visible as 'bad' cyclists when they threaten social order. The increased presence of food delivery workers in streets and public spaces has led to conflict with other stakeholders, including business owners, residents and policy makers. Infringement of road rules and other transgressions has also led to negative media coverage.

Despite the unique circumstances of individuals highlighted earlier, food delivery workers are effectively treated the same by platforms. As Gregory and Sadowski (2021) argue, platforms treat each individual worker as interchangeable. While algorithmic management can offer workers benefits, these mechanisms are designed to exert power and control over workers (Wood et al., 2018) who only have autonomy for minute decisions (Shapiro, 2017). Workers are seen to have little control over their decision-making apart from the choice of whether to connect to the app or not. Most orders are made by customers at popular mealtimes, meaning workers also need to work when demand is high. Some workers feel like they lack control, and their movements are dictated to them by the platforms. Veen et al. (2020, p. 9) found algorithmic control means that workers have no agency and need to follow what the app tells them to do. Such comments highlight how autonomy for workers in the platform economy is limited and mediated by the platforms.

On the other hand, the case studies highlight that workers have some agency and implement strategies to circumvent algorithmic control. In the absence of government support and appropriate regulation, workers take it upon themselves to improve their circumstances through direct action (Cant, 2019). Other small-scale acts of individual and collective resistance are prevalent (Riordan, 2021) alongside fissures in algorithmic power (Ferrari & Graham, 2021). These actions give food delivery workers an outlet to redress power imbalances (Liu & Friedman, 2021). Workers implement such techniques to minimise risk and form groups

of support (Gregory, 2020). These strategies have also been useful in facing increased challenges since the outbreak of Covid-19.

Despite the hype and technological advances, food delivery remains reliant on the physical labour of migrant workers. Multiple food delivery platforms have attempted autonomous delivery services utilising robotic and drone systems (Samouh et al., 2020). However, some companies have realised that challenges of automation may never be overcome and have started to sell their driverless vehicle subsidiaries (Ongweso Jr, 2020). Altenried (2019, pp. 126–127) argues that 'in spite of all attempts at automation, living labour remains crucial to the last mile'. This is detrimental to platforms that were relying on automation as one of the few pathways left to profitability as it would have eliminated the need to pay workers (Ongweso Jr, 2020). This means more technology will be deployed to drive down these costs and further reduce earnings for food delivery people.

The case studies also highlight the vulnerability of workers when something goes wrong. This is down to the risks associated with food delivery being shifted to workers, who do not qualify for compensation if they are involved in an accident (Gregory, 2020). Due to their precarious circumstances, many migrant food delivery workers continue to work following accidents and injuries. Food delivery workers do not always understand their rights, and many are not aware that they lack benefits (Evlin, 2021). Recent deaths of food delivery workers in Australia have also shown that their family members are not entitled to full compensation (Om et al., 2021).

16.4 Conclusion

As shown at the beginning of this chapter, platforms use practices such as algorithmic management to control, coerce and monitor workers. This has led to the perception that workers have little control or power over decisions that affect their work. However, workers are able to find ways to work around their challenges, demonstrate agency and fight back. This can be seen in the way workers use their car to deliver with bicycle accounts, use multiple platforms concurrently or reject undesirable orders. This chapter has also shown that the universal processes that platforms implement are not suitable for all workers as individuals face different circumstances. For example, experiences vary greatly depending on the gender, race or language of the worker. The case studies further highlight that conditions of work vary widely according to vehicle choice. Workers who use bicycles are especially vulnerable. These findings suggest that the unique experiences of migrant

workers who conduct the majority of food delivery work need more consideration from platforms, customers, restaurants and regulators. This is important as food delivery is carried out by people, not machines. Workers need support when something goes wrong as platforms such as Uber have already identified in their own surveys (Accenture, 2021). This research raises important questions on the future of the gig economy and work more generally.

More research is needed which individualises human workers rather than treating them as interchangeable data points. Platforms continue to face challenges of 'last- mile delivery' and are backing away from autonomous delivery vehicles. As such, human labour will remain the key to carrying out food delivery for the foreseeable future. Temporary migrants who bring food to our doorsteps depend on this work and need more support. Therefore, more just and fair approaches are required to protect the livelihoods and dignity of food delivery workers in the gig economy.

Note

1 Electric bicycles – more commonly referred to as E-bikes – are increasingly popular. However, regulation and legality vary according to context and workers' are susceptible to theft due to high resale valueFor more see Lee (2018)

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17

WITH THIS RING, WITH THIS STRIVING

Love, Marriage, and Labor in the Platform Economy in Southeast Asia*

Teresita Cruz del Rosario and Linda A. Lumayag

17.1 Introduction

Migrant labor in Asia is an appropriate lens through which to view the growth and expansion of precarious jobs. This phenomenon has been in existence for several decades, especially with the opening of global and regional labor markets in which undesirable jobs have been outsourced, rather conveniently, to low-skilled migrant labor. Precarity, therefore, it could be argued, has been around in much of Southeast Asia long before the term was made fashionable. A complicating factor however is the migration strategy coupled with inter-regional/inter-racial marriages. The latter provides an additional lens with which to investigate a double-sided precarity – that of liberalized labor markets, to attract predominantly low-skilled workers, with restrictive migration regimes that prohibit the "coupling" of migrant work with marriage. As a result, the vulnerable and marginalized position of migrants stems from a situation where migration regimes impose different kinds of processes and solutions to address labor and marriage issues involving citizens of two countries that practice different religions and are situated in indigenous communities while still providing badly needed employment in the gig economy. Drawn from a sample of labor/marriage migrants predominantly from Indonesia and the Philippines, this chapter argues that the situation of labor migrants and their subsequent marriages to citizens of host countries determine their abilities with which to navigate two situations of precarity: the temporary labor market and the longer-term marital union that is sanctioned by the host country. In the latter situation, marriage can be viewed as a migration strategy to manage and reduce precarity but not without its attendant difficulties. Through a combination of legal and social discriminatory practices, what Foucault terms "governmentality," migrants experience "state-sponsored precarity" through the regulatory and restrictive apparatus of the state.

DOI: 10.4324/9781003351764-21

Minda (not her real name) is a 57-year-old Filipina married to a Malaysian. They met in the 1990s while they were both students at a prestigious international university in Thailand. As a dutiful wife, she followed her husband to Malaysia, where she lived without a permanent residency status despite being married for over 20 years.

During the many years of waiting for her Permanent Residency status in Malaysia, she recalled how the numerous trips to the immigration office seemed like an endless war of wits, wisdom, and patience with the immigration officers. Her visits always came to naught, as the authorities seemed unconvinced about the authenticity of her marriage. For years, the typical response she would receive was *fail itu masih di dalam kajian* (the file is still being studied).

Minda's case is a typical scenario experienced by marriage migrants in Malaysia. At the outset, marriage migrants are economically deprived of employment as evidenced on an authoritative stamp on her passport that states: "Strictly prohibited from any form of employment." Despite her academic credentials as an economist with a master's degree from a reputable university in Thailand, she was denied a right to employment. Her vision to join the labor workforce in Malaysia was always put on hold before she was awarded permanent resident status. During the long wait of over two decades, Minda remains on a social visit pass, that is, a prolonged tourist visa that allowed her to live with her husband but without the right to employment.

Yuni (not her real name), who is 45 years old, from Kalimantan, Indonesia, entered as a documented factory worker in a wood building industry in Kuching in the 1990s. Because marriage is not allowed among holders of unskilled visas, she did not renew her permit. With no permit to work, she discontinued her work at the factory and worked on a farm in the neighborhood. This shift from the formal economy to the informal economy precisely disadvantaged her in many ways inherent in this type of employment.

For other migrants in the B40 visa category,[1] women labor migrants who decide to marry local men will turn their former status from documented worker-dependent or spouse visa. Their legitimate participation in the formal economy suddenly turns them into the "disappeared," "discounted," or "unreported" category. They mostly end up in the informal sector economy without any welfare and protection.

All of the aforementioned cases illustrate the "thick" connection between labor and marriage migration. Too often, as in the case of Filipino women who marry Malaysians, their path to employment is blocked due to their marriage with the locals. As a result, the gig economy becomes their only avenue for economic support. In turn, their lives are continuously lived in a state of precarity as they navigate the state bureaucracy to authenticate their marriages, change their status to permanent residents, and finally enable them to become economically productive women rather than dependent spouses. Having said that, though they may be in a precarious state, they are economically productive nonetheless.

Finally, their subjective condition highlights the overall condition of late capitalism in Malaysia, as in the rest of Southeast Asia. While the region has posted

impressive economic growth in the past two decades, individuals like Minda, Yuni, and Lynn experience profound insecurity and marginalization in their circumstances despite the relatively impressive economic performance of Malaysia. This includes the increasing number of undocumented migrant workers who continuously toil though they do not receive any form of social protection from the state.

17.2 Precarity as an Analytic Frame in Marriage and Labor Migration

Precarity, according to Alison (2013: 6), is the foremost condition of human life today. It is a condition of vulnerability, uncertainty, and unpredictability that results in a sense of continuous instability in one's life (Sassen 2001; Wacquant 1999, 2008). In the context of Asia, precarity poses a paradox: against the backdrop of spectacular economic growth is the emergence of new forms of marginalization and the rise of the "precariat" (Del Rosario and Rigg 2019: 1). The latter refers to transnational migrants without protection, casually employed factory workers with no safety, freelance workers in the "gig" economy (Jayakumar and Goh 2017: 1), and displaced populations in high natural-resource areas that have been overtaken by foreign investors, to name but a few illustrations of the multiple and disparate experiences that exemplify the obsession of economic growth at all costs in the era of late capitalism.

Migration in the Asian context is a useful lens with which to view precarity, as linked to the processes of modernization and controversially expressed as an aspiration of economic globalization (Chee Heng Leng 2010; Hsia 2004). Marriage migration, however, complicates the condition of precarity. Where mobility of workers was always motivated by the idea of employment, the coupling of employment with marriage adds a further layer to precarity. Migrant workers are required to confront several bureaucracies simultaneously: the Ministry of Human Resources Malaysia, the Department of Immigration, the Royal Malaysia of Police in the Ministry of Home Affairs. All these institutional layers add to the multiple experiences of precarity among married migrant workers.

In this chapter, we extend the examination of precarity by looking at the migration experience through the double lenses of marriage and employment. How is precarity demonstrated in marriage migration in a context when the spouse is also (under)employed? How do marriage migrants navigate their different experiences of precarity when they reside in their new homeland? How do they respond to the restrictions on employment and changes in their civil status?

The site of investigation is Sarawak in East Malaysia. Because of its distinct sociopolitical and geographical characteristics, East Malaysia requires a more nuanced way of looking at the role of law and prevailing practices related to the issue of foreign marriages. West Malaysia's immigration policy is under the control of the Federal government, which demonstrates different practices and treatment of marriage migrants. In contrast, East Malaysia maintains its independent authority on immigration matters. Therefore, the Sarawak State government has

relatively autonomous control to decide who stays and who goes. What distinguishes Sarawak from the other states in Malaysia, except Sabah, is its highly diverse ethnic groups, following distinct customary practices and beliefs that touch on native marriages, property rights, alongside the implementation of civil/state law as well as the Muslim code of marriage in case of mixed marriages. These different legal systems operate and implement rules and customs but may turn out challenging each other's extent of legality.

17.3 A Note on Methodology

Data for this study were drawn from both male and female international marriage migrants who have resided in Sarawak for a minimum of two years. A total of 44 informants from both urban and rural areas comprise the informants for this study. All remain married except one who was divorced.

Data for this chapter were obtained through survey questionnaires, personal interviews, and observations. Initially, an online survey form was administered and yielded 20 marriage migrants from urban Kuching. For urban-based marriage migrants, both survey questionnaires and personal interviews with selected informants were conducted. The second set of informants came from rural and border areas (i.e., Sebuyau, Bau, and Serian) around Sarawak. Data from these respondents were collected using personal interviews and observation, including frequent visits and virtual communication.

Through the help of village headmen and heads of longhouses,[2] we gained access to the rural communities. It was convenient to identify marriage migrants in the longhouse, especially when the head of the longhouse knows the personal lives of his members.

Key informants in this study were interviewed in different locations. They comprised a medical doctor, a government social worker, principal of a learning center for undocumented/stateless children, community leaders, manager of a local cooperative and church leaders, and headman at a longhouse.

Of the 24 respondents living in rural areas, three finished 10 years of schooling, five women finished six years, and 10 never attended school at all. This low level of education hinders their search for better job opportunities in Sarawak. All of them are small village farmers and vegetable growers, for both male and female informants. They rely on the inherited land owned individually or communally by their Sarawakian/Malaysian spouses. Only one male marriage migrant who entered Sarawak around 1969 via the border town could buy a piece of land based on a written agreement sometime in the 1970s when the land title was never an issue. Other than working on the farm, two female marriage migrants sell vegetables and fruits grown from their farms. The focus of this study is women marriage migrants; however, in situations where men marriage migrants experience interesting treatment, an effort is made to highlight that distinct experience.

Twenty foreign spouses are residing in two urban cities in Sarawak, seven (7) have either short-term or long-term social visit pass. These seven are not allowed to work as stated in that visa issued by the Immigration Department.

Howsoever the prohibition from gainful employment is imposed, families of marriage migrants are still driven to search for work to provide food on the table, send their children to school, and pay the house rent. And although they may have been violating the immigration rule, they go "underground" by working in the informal sector of the economy, for example, as restaurant helpers, sales ladies, workshop assistants, cleaners, domestic workers rendering their labor force participation invisible and unaccounted for in the state economy.

17.4 Marriage Migration in Sarawak

Sarawak is a border state of Sabah and a national border of Brunei and Indonesia, where mobility is thriving across their borders. Both states are also portrayed as the models of inter-ethnic/racial marriages. Before the imaginary lines of the nation-state were drawn during the pre-British colonial rule, communities in the periphery were socially connected by marriages but not necessarily along ethnic or religious lines. The vast expanse bordering Sabah and Brunei is a convenient recourse of extending social ties through marriages and sharing of religious festivities and ethnic rituals that in turn solidify social relationships across these communities. Geographically, these border communities are a distance away from the seat of political control in Kuala Lumpur (Malaysia), Bandar Seri Begawan (Brunei), and Jakarta (Indonesia).

International marriages in the past revolved around the mail-order bride industry or the commonly referred matchmaking sites and commercial marriage brokers, which arrange, facilitate, and ensure that these social encounters will blossom into a love that will end up in marriage. Using the critical lens to understand this framework, international marriages popularize the commodification and sexualization of women in a modernizing society (Ishii 2016; Wei-Jun Jean Yeung and Zheng Mu 2019). Although the practice of commercial marriages (Lu 2008) is still in vogue in selected societies, we also see a shift – in that as poor women join the international labor migration as well as the social mobility of middle-class women as they participate in tourism, overseas education, and business assignments abroad, we see the potential of finding future foreign spouses in all these work-life situations.

Marrying a foreigner is commonplace in Sarawak. Transnational marriages in Sarawak constitute 30% of all foreign marriages in Malaysia (Parliament of Malaysia 2015). A plethora of diverse ethnic communities across the state are shown to face no structural and social problems or marginalization. Marriages are depicted as devoid of any problems such as legal, cultural, or religious challenges pertaining to access to work and employment, undocumented children, and the like.

In the more current climate, the social encounters between and among Malaysians and non-Malaysians have become more differentiated. People encounter their future spouses in different situations because of heightened mobility occasioned by the urgency to travel, pursue higher education beyond the national borders, engage in transnational business meetings or training, or even perform religious duties. These are sites of future potential spouses.

17.5 Marriage, Labor, and the Migration Nexus

The first instance of precarity-creation is at the site of the government/state policy, what we refer to as "state-sponsored precarity." Due to the ambiguity and lack of transparency related to marriage migration, marriage migrants experience continued and prolonged anxiety and insecurity regarding their rights and privileges as bona fide spouses of citizens whom they marry. Foucault's notion of "governmentality" provides a conceptual handle to understand the "ensemble of institutions, procedures, analyses and reflections, calculations and tactics deployed by the state to rationalize and *dispose of* (rather than *impose*) to achieve certain means and ends, thereby allowing it to govern" (Bruchell et al. 1991: 95). Instead of employing brute force, the state utilizes legislative and bureaucratic mechanisms (including delays, slowdowns, ambiguous and conflicting policies) to realize certain outcomes. In the context of marriage and labor migration, the disposition of certain policies and practices, which are not always synchronized or transparent, results in the control of the movement of labor across national borders and their attendant risks.

Traditionally, migration across national borders was always viewed through the economic push-and-pull forces. Migrants leave their countries to respond to the economic drivers in receiving countries, that is, the need for additional labor in a situation of manpower shortage. The neglect in analyzing marriage migration, Kofman (2003) notes, is due to the perceived secondary importance of marriage migration to labor migration. The political sociologist Nicola Piper (2003, 2016) states that the bias in favor of looking at migrants solely from their economic contribution to the global economy continues and that marriage migration is often viewed not in terms of its social reproductive function. In Piper and Roces (2003), and Hsia (2008, 2010), "wife exportation" is the second tier of exploited women workers from the global South. Economic globalization is seen in export-led national policies in the global South; women labor participation has been heightened, and its analysis is lumped together. Simultaneously, disposable, cheap, and commodified women labor in the international labor market has initiated new ventures across the border that are considered more economically viable (Lee and Piper 2003; Constable 2005, 2009; Jones 2012).

In the realm of transnational marriages, the state deploys its "technologies of love" D'Aoust 2013) in a context where marriages are viewed with suspicion as to their emotional authenticity. Deploying Foucauldian governmentality, the state proceeds to establish that such marriages are not instances of *escroquerie sentimentale* (emotional fraud) or "gray marriages." The suspicion proceeds accordingly: marriage is a route to citizenship that entitles the would-be citizen to a host of economic and social rights and privileges. The end goal of the state is to prevent the awarding of these rights before establishing the authenticity of these marriages. In turn, the migrant resorts to informal labor and maintains economic survival in the face of prolonged uncertainty and insecurity in the host country. The ensembles of policies and practices that seek to regulate and control transnational labor and transnational marriage confront the migrant, who has collided with the bureaucratic

apparatuses of host countries. In this situation, the migrant worker/spouse has become the subject of state-sponsored precarity.

The curtailment of the right to work or in any form of employment coincides with marriage precarity. The official stamp on the marriage migrant's passport, whether one gets a monthly or yearly social pass, is an unequivocal statement of the migrants' (non-)eligibility for employment (see, e.g., Lumayag 2016). Denied access to employment right from the beginning of the marital union puts a lot of emotional and economic strain on the marriage relationship, especially for couples who belong to the B40 group.

In Malaysia, the technology of control over transnational marriages is the category of visas awarded to non-Malaysian spouses. The social visit pass, as the name implies, is akin to a tourist visa but with fewer restrictions on periods. This visa category permits the spouse to remain in Malaysian territory without the right to employment. Thus, the foreign spouse has no access to economic privileges and is dependent on her spouse for material support. Their offsprings enjoy all the social and economic benefits of Malaysian citizens provided they are registered. The foreign spouse bears all the burdens of insecurity and could be considered as the most marginalized member of the transnational household.

Nuria (not her real name) entered Kuching, Sarawak, via Kalimantan (in Indonesia) in 2000 as a domestic worker without enlisting in an employment agency. Immediately, without formal enlistment, she entered the precariat. As a domestic worker, she met her future husband who worked as a construction worker. Both got married through the Iban native customary marriage ceremony.

Both Nuria and her husband spend their regular days in the local market, 15 kilometers away from the longhouse where they live, selling fresh farm produce such as vegetables and fruits. Their main source of livelihood is *padi* (rice) cultivation, including pepper and rubber. Without a formal work permit, Nuria is unable to seek regular employment despite her experience as a domestic worker in the past.

Nuria is currently holding a social pass renewable every year issued by the Kuching immigration office under her marriage to a Malaysian national. She is 42 years old and has completed six years of primary education. She has been married for 13 years, and her family of orientation lives across the Sarawak border. Despite her lengthy marriage and two children, she still does not have permanent residency status. One of her children was registered as a Malaysian and is thus entitled to all the educational privileges accorded to bona fide Sarawak citizens. Her first son did not hold Malaysian citizenship and whose parents' names in the birth certificate were fictitious because his mother is undocumented, thus making him ineligible for the same rights and privileges as his younger brother – a situation that Nuria and her husband are trying to correct by registering their marriage in the national registration department of Sarawak. Meanwhile, her first son is referred to as "Indon," a derogatory term that implies he is different from the rest of the community. His birth certificate, despite being born in Sarawak, states that he is *bukan warganera* (a non-citizen). His status translates to the lack of financial support for education, free food at the school that he attends, and payment of miscellaneous fees which

his brother and other schoolmates need not pay. The precarious situation of the mother is experienced by the son as well.

A more nuanced observation in Sarawak as well shows how marriage migrants in rural areas display different characteristics of precarity from those in the urban areas. Interestingly, while the cities may be able to provide ample opportunities (see, e.g., Amster 2005) for employment and marriage migrants remain undetected for undocumented labor, they are prone to raids, arrests, and detention. This kind of state power exercise is not pronounced in rural areas, where marriage migrants can live in the comfort of community 'protection' and safety from unnecessary state exercise. However, urban marriage migrants would have in their reach the structural assistance they need, no matter how negligible this is, for example, access to government agencies, non-government organizations to get support from.

On the other hand, while rural-based marriage migrants may be freed from the everyday state immigration control, they however have a different set of precarious lives that involves especially their children. Children born during the marriage, but where marriage registration is under contestation by the state, stand a poor chance to highlight this problem due to limited platform of engagement. While several locations of this study are accessible by land, many of the areas in Sarawak have a problem of transportation in a way that access to state agencies is also a problem already.

The case of a 30-year-old French fitness instructor illustrates the precarity of marriage migrants whose dependence on spousal support exacerbates their social status. He left France, sold all his properties, and married a Bidayuh lady he met in Australia. When the marriage broke down in less than two years, the wife applied to cancel his social pass. With that cancelation, he became an undocumented migrant. His wife also reported him to the immigration authorities that he had been working illegally. At the time of fieldwork, the Bidayuh ex-wife could no longer locate him, although she was informed by her friend at the immigration that her ex-husband has still not left the country, even if the dependent pass (meaning he depends on his Malaysian wife for his legal stay in Sarawak/Malaysia) has already been canceled by the ex-wife.

17.6 Conclusion

This chapter explores how foreign spouses married to Sarawakians experience their everyday lives in their new homeland. It also examines how marriage migrants view these different sites of precarity. In this investigation, it attempts to describe their marriage lives in the context of multi-religious, heterogeneous societies but that which face difficulties as a consequence of the established marriage systems whose authority and efficacy have been challenged by the state civil law on marriage as well as apparent ambiguous governance on marriage migration.

Precarity is directly experienced by marriage migrants who are simultaneously labor migrants. Their experiences range from the inability to access any form of employment, the right to a secure residency, the right to citizenship and nationality for children, the right to education, the right to healthcare, the right to property and family inheritance.

Access to employment may not be so challenging when foreign spouses live in rural communities. The Indonesian men and women in rural Sarawak were in a relatively better situation than their urban counterparts. First, living in a rural community assured a couple of a place in a longhouse or the parents' inherited abode, together with the local spouse's siblings and parents. The role of extended family and community is a source of social and cultural support that is missing in urban contexts. Food, accommodation, and community support provide the backbone of their existence. Despite their documentation issues, the community exerts considerable effort to accommodate the family, as part of their affiliation within the longhouse.

State law on marriage has weakened the position of the native customary law, a legal system that has been practised by indigenous communities since the beginning of time. Studies in Sarawak done by Schendel et al. (2005), Dealwis (2016), and Alexander (2018) demonstrate the central position of marriage customs and traditions that sustain the social life of indigenous communities, more specifically along the state borders. The 2006 circular from Majlis Adat dan Istiadat Sarawak (MAIS) to the National Registration Department (NRD) says that indigenous individuals seeking marriages involving foreign nationals are advised to register the marriage in NRD. The NRD, however, does not have jurisdiction or cannot solemnize a marriage where one of the spouses is a foreign national as one is not covered by *adat* or native customs. This therefore deprived couples in this type of marriage access to land and other resources considered ancestral.

In the same manner, even couples who are both indigenous and themselves Sarawakians are also encouraged by the State to marry under civil law, in which case, it would have far-reaching implications on the couple's access to customary land rights and community resources, and practices. One of the motivations of this study is to explain the difference between marriage migrants living in rural areas and those in urban cities arguing that urban migrants can capacitate themselves and avoid precarious situations because they have more access to the state mechanisms. But the study findings do not seem to support this observation. On the contrary, rural migrants may be able to survive under harsh legal conditions because of the community support, but the children of these marriages may have to suffer from a different form of precarity that would impact their civil, economic, and political rights.

Notes

⋆ This research is funded by Universiti Malaysia Sarawak through Project ID F06/SGS/1786/2018.

1 B40 is a category of household whose mean income is RM2,537 and a median income of RM2,629

2 Known as "rumah panjang", the longhouse is a specific architectural form that is distinctive to Sarawak state in Malaysia. Its distinctive feature is that of several families living together in a narrow elongated dwelling unit instead of separate buildings. See Hata, S., and M. H. Wahab. 2018. "Malaysia: Longhouse of Sarawak" In *Sustainable Houses and Living in the Hot-Humid Climates of Asia*, edited by T. Kubota, H. Rijal, and H. Takaguchi. Singapore: Springer. https://doi.org/10.1007/978-981-10-8465-2 (accessed 15 June 2021)

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18

FRAGMENTED LABOUR, PUNCTUATED TEMPORALITIES

Spatiotemporal Precarisation Among Student-Migrant Workers

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18.1 Introduction

Many people are today subject to precarisation, which aggravates the experience of insecurity over work, income and possibilities of life altogether. Rather than being an exception, it appears as a continuation to a vast history of subjecting and governing labour. This chapter centres on migrant labour in Finland and particularly on the specific socio-legal dynamics of precarisation that assist in shaping a precarious labour force consisting of non-EU student-migrants.

Through an ethnographic insight into the lived experiences of holders of temporary student residence permits and their struggles over labour, the chapter contributes to the discussion on gig work and precarisation. The chapter asks what forms of work arise in the intersection between the constraining border regime that shapes migrants as dependent on insecure forms of work and the student-migrants' desires to grasp opportunities to further subjective goals. It exceeds a cut-off focus on a particular contractual type, a specific modality of organising work or even a specific work sector. Instead, the analysis seeks to grasp the heterogeneity of work arrangements occurring in the student-migrant-workers' lives. It hence highlights the everyday perspectives of low-paid work – bodies, sweat, cooperation, movement and timetables – as integrative parts of the location-dependent service work, be it mediated through platforms or zero-hour contracts. A crucial analytical standpoint is to account for the structurally unequal position of the holders of temporary student residence permits and its effects on undergirding precarisation, which unfold against the constitutive relation between capital and difference and the subsequent production of heterogeneous exploitable figures.

The chapter argues for a focus on time and temporality in discerning the logics of precarisation and value accumulation at play, which can be grasped in the data as a threefold intersection. First, precarisation of work, which, shortly said,

DOI: 10.4324/9781003351764-22

involves short-term contracts and gigs, generates a spatiotemporal fragmentation of work undertaken by the student-migrants. Second, the migrants hold temporary student permits, which punctuate their lived time and sequence it into one-year projects according to the one-year length of the permit. Third, as student-migrants they are often perceived as being young and thereby healthy and energetic workers. Moreover, as students they are perceived as temporarily employable flexible labour. Through this analysis, I seek to understand the ways in which the legal and social architecture of work life and social status in Finland generates experiences of losing control over one's time. Thus, I strive to demonstrate how precarisation, as inflamed by both transformations of work and an insecure migratory status, crucially deprives the control over one's time.

18.2 Transforming patterns of work and precarisation

Precarisation includes both measurable aspects, such as the transformation towards more insecure employment relationships in the form of fixed-term and part-time contracts, on-demand work, zero-hour contracts, gig work and dependent self-employment (Bourdieu 1998; Kalleberg 2009), and subjective experiences of precarisation that emerge across capitalist societies (Alberti et al. 2018; Neilson and Rossiter 2008). According to the International Labour Organisation (2020), formal paid work does not always entail sufficient income and therefore 61% of the global labour force is informally employed. Informal and non-standard work is a continuation to the unequal standards of security and rights at work, which always have been partial, often excluding women and migrants (Alberti 2013; Lorey 2015; Vosko 2010). The ongoing and intensified forms of precarisation target increasing parts of the working population, signifying a generalisation of expropriability in a situation of crisis-ridden capitalist accumulation where "sometimes the methods of accumulation that were reserved exclusively for racialised subjects bleed over and are used on those with privileged status markings" (Wang 2018: 125). It is only when posited against the Fordist norm as an era stretching roughly from the post–World War II (WWII) period until the dawn of the crisis of Fordism in the 1970s (Rubery et al. 2018) that precarity appears as a deviation. However, in a wider historical perspective, precarity appears to be the norm and Fordism the exception (Neilson and Rossiter 2008: 54).

Instead of employing the concept of precarisation as an exception against the backdrop of the norm of the standard model of employment, which encompasses protective mechanisms against a "pure" market relationship, sustained by employers and the state through employment rights and social protection (Rubery et al. 2018), I place analytical focus on "drivers and patterns of precarisation" (Alberti et al. 2018: 450) in order to grasp the vectors that generate experiences of precarity among the student-migrant-workers. Thus, rather than examining specific types of work or tasks, I highlight the socio-legal context of labour stemming from both the temporary legal status of the migrants and the rapidly transforming world of work towards increasingly short-term, hour- and gig-based forms. Combining these two aspects allows for a situated analysis of contemporary patterns of precarisation.

The transforming patterns of precarisation take advantage of borders that traverse nation states and subjective lives, as well as the varying legal statuses among workers produced thereof. As Mezzadra and Neilson (2013) effectively argue, the border is a method for spurring capital accumulation. Moreover, authors such as Robinson (2000[1983]) and Lowe (1996) emphasise that capital maximises its profits precisely not by configuring bearers of labour power as homogeneous and abstract but by rendering labour power heterogeneous through the reinstitution of differences based on legal status, race, nation, geographical origin and gender (Lowe 1996). Today, the variety of migratory legal statuses has in many ways substituted distinctions made based on race and enabled the production of a flexible and globally competitive labour force (Sharma 2020). In this way, global economic competitiveness is enhanced by increasingly issuing visas and residence permits on a temporary basis (Horton 2020), such as student permits (Maury 2022a), hence subjecting migrants institutionalised uncertainty (Anderson 2010). In sum, the temporal border regime and the temporal organisation of immigration controls undergird the flexibility of capital as it creates flexible workers by alternating between producing excessively mobile workers on the one hand and workers with hardly any access to mobility on the other hand (Anderson 2020; Maury 2020b).

While international student mobility is often apprehended in a context of (future) highly skilled labour, recent research has emphasised the precarious experiences of work during the time of studies abroad, describing it as a form of "educationally channelled international labour mobility" (Liu-Farrer 2009). Researchers have emphasised work performed in the low-paid service sector and the way in which employers take advantage of international students in need of paid work (Campbell et al. 2016; Liu-Farrer 2009; Neilson 2009; Pan 2011; Raghuram 2013; Wilken and Dahlberg 2017). They have also emphasised the "middling experience" pertaining to temporary migrants such as students and graduate workers whose experiences fall in between "elite" transnational knowledge workers who enjoy smooth mobility between global cities and migrant workers in low-status jobs (Robertson 2014).

Migrants' precarious experiences in the labour markets are often produced in the intersection between legal, economic and personal contexts (Gilmartin et al. 2021). In this chapter, I argue that the body of student-migrant-workers – centrally characterised by their legal insecurity and lack of free time due to excessive work and studies – constitutes a part of a temporally insecure and precarious migrant workforce. This workforce is from the perspective of capital flexible and subjectively characterised by insecurity, exacerbated by discriminatory social structures based on legal status, nationality, race, gender and age.

18.3 Research context and data

The number of student-migrants has risen globally and likewise in Finland (OECD 2019). The number of foreign citizens in Finland has increased tenfold since 1990, reaching a total of 258,000 in 2018 (4.7% of the overall population), while persons

with a foreign background account for nearly 14% of the total population (Statistics Finland 2019a, 2019b). The number of international students in Finland has tripled since the beginning of the 2000s to 20,362 in 2017 of which 72% come from non-EU countries, notably from Asia (45%) and Africa (10%) (EDUFI 2018). Within the past five years, the number of issued first-time student residence permits per year has ranged between 5,000 and 6,000 (EMN 2020).

The chapter draws on 41 in-depth and 12 follow-up interviews with migrants coming from outside the European Union (EU) or the European Economic Area (EEA), holding a one-year student residence permit in Finland and working alongside their studies in higher education. The interviews were conducted between 2015 and 2017–2020 in Helsinki face to face except for a few follow-ups online due to the Covid-19 pandemic. The interviews focused primarily on the research participants' experiences of work, their social and legal status in Finland as well as their visions of ameliorating the position of non-EU/EEA student-migrants in Finland.

Most of the research participants had made their decision to study in Finland because of free tuition, as compared to the higher costs of more desirable destinations, such as the United States or the United Kingdom. A few had based their decisions on personal connections to Finland or interest in a specific study programme, while a minority had initially migrated for work or to seek asylum. The research participants consisted of 18 women and 23 men between 21 and 35 years of age who on average had spent two to three years in Finland. They came from North and South America (3), Eastern Europe (7), Southeast Asia (12), South-West Asia (7), North Asia (3), and East Africa (2), Central Africa (3) and West Africa (4). Their fields of study included law (2), political and social sciences (7), international business (10), various fields of technology (15), hotel, restaurant and catering services (2), and social and health care (5). However, some of the research participants were conducting studies in several fields, at both universities and universities of applied sciences, and some had previous degrees from both Finland and abroad.

Being granted a student residence permit is contingent on having been admitted to an education institution (usually tertiary education), being able to demonstrate a sufficient amount of economic resources (6,720 euros/year in 2021) and possessing a private health insurance as student-migrants are largely excluded from the Finnish social security system incorporating the National Health Insurance scheme (Migri 2021). The permit is issued as a temporary permit usually for one year, but changes in the law allow for issuing a two-year permit, however with doubled the financial requirements. The research participants of this study all held or had recently held a one-year student permit and thus were obliged to apply for extension of the permit on a yearly basis. The fee for an online permit application is 350 euros for the first permit and 180 euros for extending it, but somewhat more expensive if using a paper application (Migri 2021).

The holder of a student permit has the right to work part time alongside studies (approximately 25 hours weekly) and full time during holidays. The

student-migrant-workers were often engaged in several different jobs on different contracts. In most of the cases, they strived to find work in their own fields of interest or expertise but hardly did so. The challenge was hardest in the business sector, while the social and care sector offers more possibilities for student-migrants and for those graduated from a Finnish higher education institute.

In the chapter, I use the analytical notion of student-migrant-workers (see also Neilson 2009) in order to highlight the adversity of circumscribing lived experiences within one administrative migration category. Subjectively, the research participants often brought forth fluctuations in how they perceived themselves despite them holding a student status. Some indicated that they had forgotten that they were students due to work occupying most of their time. Others, defining themselves as "white", did not consider themselves migrants until they were confronted with the temporal and bureaucratic border regime in their everyday lives, thus signalling the socially imagined figure of the migrant as imbued with racialisation (e.g. Anderson 2020; Balibar 1991, 2002).

18.4 Student-migrant-workers within the transforming landscape of labour

Paid work performed by non-EU/EEA students is often located in the low-paid service sector, especially in cleaning and news delivery, but also in restaurants and different types of warehouses (Maury 2017). Work is usually performed in the evenings, at nights or in the early mornings, outside the so-called typical work hours as configured along Fordist standards. Around half of the research participants had complemented their income-generating service work with partly or completely unpaid internships in their own fields of study or poorly paid work in start-ups in the fields of IT and business (Maury 2020). Hence, the working lives of the student-migrant-workers appear fragmented, stretching across the continuum between so-called high-skilled and low-skilled work.

As each of the research participants highlighted, the need to secure the necessary economic funds each year in order to extend the residence permit overshadows their stay in Finland. According to an estimation by officials working at the Immigration Service in Finland, approximately 80% of the non-EU/EEA migrants holding a student permit work alongside studies to sustain their life and permit extension (Maury 2021b). Some get support from family members or borrow money from friends to fill the gaps in the financial statement.

A challenge for many foreigners, research participant Chris said, is that "we have no choice but to work". Chris had spent almost ten years in Finland studying and working in a wide range of areas from engineering to tourism. He had already completed a degree in hotel, restaurant and tourism management in Finland and was doing another one in media engineering. He was for the moment employed as a chef, but he started off talking about his four years of working as a news deliverer at the post office alongside his studies – a job that more than half of the research participants of this study had been occupied with. Chris described the various

backgrounds of the people working for the post office (*Posti*) with news delivery in the night, usually initiating their shift at around 2 a.m.

> [There are] a lot of other Finnish, African, Asia, Arab [workers] – everybody mixed. I did Posti for four years, the remaining two years you just have to force yourself to work. Posti is nothing you should do for more than four years because of health issues, because you are not sleeping. I did it as a student, it is not an ideal job, really, but as a student, it is really the only one you can do at the same time when you go to school. Now the salary has been cut, nobody can renew their permit with that, you cannot collect up to 1000 euros [a month] with that. I worked with a car. That is also a transition, in [a city in Middle Finland] I used to cycle, but in [the metropolitan area of the South] I used to do Posti by foot and a trolley sometimes, but then I bought a car.
>
> – *Chris, 35, West Africa*

Chris found the job as news deliverer to be one of the few jobs he was able to undertake alongside his studies. However, the work was not ideal as it steals time from sleeping, deteriorates one's health and generates little income. Chris noted that the salaries had fallen since he started working. He also described the different ways he used to get around the city – by foot, trolley, biking or car. Chris' experiences exemplify the way in which student-migrant-workers' lives are intimately shaped by the spatiotemporal fragmentation of work and study activities. This scattering across various locations purports ongoing movement as a condition of precarity (Precarias a la deriva 2009: 30).

Importantly, the student-migrant-workers' experiences of finding work and managing to get an income are underpinned by the ever-increasing diversification in terms of contractual forms of work, as Anna, a law student from Eastern Europe, described:

> Of course, a problem for all of us is to mobilize all the funding because I still don't have an employment contract. But still, if you have an employment contract not every employer, when it is kind of small firm, wants to give you a one-year contract [according to the length of the visa], so it's the most difficult part of showing the financial part. [. . .] In sales, they often sign the zero hours contract, and this contract is not enough for working visa, so this is the problem. I don't think I will ever be able to apply for a work permit, this means I cannot get all the benefits.
>
> – *Anna, 22, Eastern Europe*

Mobilising the required funding is a problem for all non-EU/EEA student-migrants, Anna indicated. She described the difficulties in securing an income, when small companies seldom offer contracts for even a set period. Instead, they offer zero-hour contracts without any security for future working hours and income. Anna's concerns were not limited to the present. Instead, the inability to

find other than short-term work made her worry over her future possibilities of switching to a work-based residence permit after finishing her degree. This permit would enable her to stay in Finland but is at the same time contingent on getting full-time work.

Another research participant, 29-year-old Chen from Eastern Asia studying electronics, equally found it hard to exit a constrained work position. A primary problem was that extremely few of his job applications resulted in a reply of any sort. He had been working in sales and most recently in a restaurant with "some kind of freelance contract". Working on what appeared to be a zero-hour contract, he explained, "now they are only using girls, I don't get any shifts at all, I have to look for something else". Thus, according to Chen, a gendered preference from the employer's side forced him to find work elsewhere. He started working as a food courier and tried two different companies with some variation in how income was generated, per delivery and according to the hours worked. Biking around town delivering food was by no means a solution to Chen's problem with work. He was unsatisfied with the combination of physically hard work and unstable weather and therefore spent most of his free time looking for other jobs.

The different forms of insecure work arrangements encountered by the student-migrant-workers are connected under an umbrella of precarity. There exists "no word called fired", one of the research participants described the situation of being dependent on getting more gigs or work hours. Moreover, the need to be available for work, while not working all the time and getting paid only for the hours worked, spurs a deprivation of control over one's time (Hardt and Negri 2009: 147). Since the initiation of the research, gig work through digital apps has become more frequent alongside zero-hour and fixed-term part-time contracts, which points to how platform work often functions as one source of income among others. Thus, platformisation represents one aspect of the general growth in so-called non-standard forms of employment, while the digital management practices associated with platform work gain ground more largely across global labour markets (Gillespie 2010; Huws et al. 2019).

Employing student-migrants through an ever-increasing range of insecure contractual arrangements appears convenient for the party that is buying labour power as the stricter requirements in terms of full work hours in a circumscribed work area applied to most work-based residence permits do not pertain to student permits. The student-migrants' concern is rather to gain enough income while remaining within the maximum amount of 25 hours of work per week, although the difficulty in counting the hours within a multiplicity of work bumps against the Fordist logic on which the migration system relies (Könönen 2015). Thus, the non-EU/EEA student-migrants appear as a flexible labour force with few possibilities of renouncing work offers as their possibilities of accessing welfare services in Finland, such as unemployment, health and housing benefits, are very limited (Maury 2017, 2020).

18.5 The legal production of difference through temporary permits

"This semester I'm lagging behind, but I guess I will manage until the time I will apply for the extension, so far it's good", Tanya said. Tanya, who had come to Finland from Eastern Europe a few years ago to complete a degree in the social sector, described how the period for applying for permit extension appears as a deadline to reach and manage after which the stressful situation potentially could be improved. This experience, common among the student-migrant-workers, illustrates the punctuation of lived time resulting from the need to extend the one-year permit every year (Maury 2002a, 2021).

The difficulties regarding time management were caused by the three different jobs – cleaning, babysitting and children's day care – that Tanya undertook in addition to her studies and the hourly limits to work inscribed in the student permit.

> At the moment I do cleaning because in our situation we have a 25-hour limit and it happens that you just get some hours and then if you don't have 25 hours fulfilled, so, materially like there is not enough money for you, cause you cannot get any other support and then you just turn out to work in a couple of places. At the moment I work in three places to make my hours.
>
> – *Tanya, 29, Eastern Europe*

As Tanya described, it is challenging to stay within the allowed 25 work hours a week, no more but neither less since that would signify a loss of income. Tanya's working hours and studying hours often clashed in the morning, making her draw the conclusion: "I don't have the luxury to choose which time I would like to work". Moreover, Tanya described her days as filled with tasks leaving no time for social life, friends and other activities. "Basically, with my life, I started always from 8 a.m. until 9 or 10 p.m. I would work and then study and work and then I can just come home to sleep", Tanya said.

The expressed experiences of losing the grip over one's time results from the uninsured and contingent labour performed with a migratory student status. Thus, the temporary student permit engenders a *legal production of difference* (Maury 2021) in relation to migrants in other legal statuses as well as in relation to Finnish nationals and EU citizens. In this way, immigration control moulds specific types of workers and subjectivities (Anderson 2010, 2020; Robertson 2014) and significantly spurs the multiplication of labour (Mezzadra and Neilson 2013), which instead of pointing solely at divisions of labour emphasises multiple subjective labour positions from the point of view of tasks, skills as well as legal statuses (Mezzadra and Neilson 2013: 91).

The border regime can thus be grasped as a tool of differential inclusion (Andrijasevic 2009; Mezzadra and Neilson 2013), which produces migrant students as neither fully excluded nor fully included in the sphere of labour markets and

citizenship. Differential inclusion functions as a way of controlling and exploiting labour through borders while also making use of and fuelling oppressive structures of racism and sexism (Mezzadra and Neilson 2013: 161). From a temporal perspective, differential inclusion produces heterogeneous spatiotemporal experiences, which emphasise the discontinuous and nonlinear functioning of contemporary capitalism (Gago 2017: 75) and its flexible modes of accumulation (Lowe 1996: 28). Hence, the contemporary capitalist mode of production makes use of borders to advance a logic of simultaneous connection and disconnection, that is, differentiating labour power and fragmenting spaces of labour at the same time as it unifies them in varying patterns.

18.6 Efforts to remain non-replaceable

The transforming labour markets and the legally produced differences between working subjects are further socially differentiated. In the labour market, the student-migrant-workers are often regarded as students and are consequently more likely to be perceived as temporary workers, like students in general. Their precarious temporariness is structured by the legal and social production of difference based on their legal temporariness and status as students, often rather young, and thus appearing as subjects temporarily available for hard work. This is reflected in the subjective experiences of the student-migrant-workers; as one research participant put it: "I'll do this [low-paid work] until I find something better".

The assumed youthfulness shapes the student-migrant-workers as a collective body. Most of the research participants described experiences of stress, tiredness and deteriorating health resulting from their constrained situation between studies and work and the structuring effect of the residence permit, despite their assumed youthfulness. Moreover, some of them pointed at employers' tactics on the boundaries of legality to get access to cheap and insecure labour – for example, through the misuse of probation periods. Galina, who studied social sciences and worked as a cleaner, said:

> I think it takes six months before you have really health problems. It's easy for employers to get a student to do the work for four months when they are full of energy and then you fire them and get new students. Tiredness is growing so they're always hungry for fresh blood.
>
> – *Galina, 22, Eastern Europe*

The occasional habit of firing employees at the end of the probation period produces student-migrants as temporary and disposable labour. Employers looking for "fresh blood", as Galina expresses, encapsulates the core of the capitalist system founded on "capital as dead labour which, vampire-like, lives only by sucking living labour" (Marx 1990[1867]: 342). In this way, the student-migrant-worker as a figure characterised by youthfulness and temporariness suggests a nearly unlimited capacity to work and demonstrates how the student-migrant-workers become both legally and socially deprived of control over their time.

The quest for energetic workers in the low-paid service branch translates into a situation of competition over workplaces, work hours and gigs among the student-migrant-workers. As Mai, a student of business working in a warehouse, emphasised: "A friend says, don't make yourself replaceable, if you become replaceable that's very risky for you, to lose the job". Not becoming replaceable demands efforts to make one's specific skills and the ability to work recognised and overrules a quest for only the instrumentalised and machinelike ability to work in the low-paid industrial sector. Mai exemplified the schemes of cooperation and knowledge used to intensify production in the food-packaging warehouse, but also to avoid becoming replaceable:

> We prove that we work strong or even stronger than another "black team". I was team member with [other Asians], we make us together to work more efficiently and when other people see "damn the Asian people work so hard, and they are students, all of them students". In university, we have teamwork, and we even come from different universities, we work to support each other. We work faster, more efficiently and in a more organised way.
>
> – *Mai, 28, Southeast Asia*

Mai's experiences demonstrate how the student-migrants use their knowledge of teamwork acquired at university to work more efficiently. Marx (1990 [1867]: 451–453) purports cooperation as a method that "costs nothing" and is employed by capital to increase the socially productive power of labour and consequently to enhance the exploitation of labour. The socially productive power of the student-migrant-workers that Mai described develops not only under the authority of the capitalist that subjects the labourers' activity to his purpose (Marx 1990 [1867]: 450). Rather, their socially productive power is reinforced by certain groups of workers to distinguish themselves as particularly efficient in comparison to other working teams. This competition between self-constituted teams in the warehouse displays similarities to gamification as game-like elements are brought into non-game environments, generating similar experiences that games do (Woodcock and Johnson 2018; Warmelink et al. 2020). Here, however, the competition between the worker teams seems to be introduced "from below" but with the objective of working more efficiently within the self-organised team.

Moreover, the university studies undertaken by the student-migrant-workers form one characteristic of them as living labour. While social cooperation and teamwork have been considered as central to the so-called knowledge economy, it continues to be important not only in the industrial sector and in the service and maintenance sector, in ways such as described by Mai, but also in the gig economy where individual workers make up the network of a wider functioning system. Hence, social skills and knowledge acquired at the university become the means for the student-migrants to increase their efficiency compared to other workers with other advantages such as physical skills.

The socially productive power developed by the worker teams within the workplace intersects in a foundational way with ethnic and racial markers, geographical

origin and gendered divisions. Mai used the term Asian to refer to her group of same ethnic and geographic origin while racialising and gendering another group of workers as "black men". "Asians" need to work hard to appear as good workers as they do not have "the physical strength" like the "black team" consisting of men, Mai explained. Hence, social difference is constantly reproduced, which shapes the student-migrant-workers' labour power. Furthermore, the cooperation between differentiated groups of workers permits them to remain efficient and non-replaceable.

18.7 Labour as subjectivity

Even though the student-migrant-workers need to accept mostly low-paid service work unrelated to their field of studies, many were decisive of not letting go of their hopes and dreams for the future. Sergei, a 20-year-old young man from Eastern Europe, studied international business and portrayed himself as an international citizen. He had ambitious plans and worked hard, full time in the summer and 25 hours a week during studies according to the restrictions of his residence permit. He always made sure to apply for a new permit well in advance of the deadline and had plans of developing a start-up in the future. Sergei acknowledged that getting a "student job" is very hard in Finland and described that out of 200 applications he got two positions. Sergei said, "0.5% of your labour pays off. It's really hard to motivate myself, but thankfully it worked out". He however expressed his frustration with the quest for Finnish language competence even in the field of business where "there is the language of money". Despite the obstacles that many of the student-migrants encountered, part of the student-migrant-workers managed eventually to get a desired job reflecting their experience and education.

The student-migrants, who in public and policy debates are envisioned to constitute a body of talents and experts needed for Finland to remain competitive in the global economic arena (MEAE 2020), are deemed to believe in their possibilities of getting work in the own field of study and expertise and leaving the temporary student status behind. Common for all research participants was precisely the dynamic of striving towards one's goals while accepting, at least temporarily, low-paid precarious work. This dynamic points to the combination of opportunism and cynicism – as sentiments characteristic of the Post-Fordist ambivalent mode of being (Virno 2004). These sentiments shape a professional quality, which incorporates not only the ability to bear with chronic instability to manoeuvre among interchangeable opportunities but also having the ability for ongoing innovation (Virno 2004). The student-migrant-workers cynically accept low-paid service work in insecure and unstable work arrangements while struggling against the fragmenting impact of the temporary residence permit and its deteriorating effects on the ability of imagining "a future with oneself in it" (Anderson et al. 2009: 5). The opportunist attitude towards the future however keeps the student-migrant-workers stubbornly working towards their goals, grasping "opportunities" such as unpaid internships along the path towards a desired life. In this way, the sojourn

in a temporary legal status can be regarded as a way of reinforcing the social talent of dealing with mutable labour markets, that is, as a "training in precariousness" (Virno 2004: 85). In sum, these precarious subjects are expected to vigorously come together to produce innovations and manifest their talent while in the evening each of them returns home still in charge of their personal subsistence (Viren 2018: 310) and their ongoing concern of meeting the financial residence permit requirements.

In Marx's view, production always incorporates the production of subjects as much as the production of objects (Read 2002). The ambivalent mode of being described above thus purports the student-migrant-worker as a transient figure of subjectivity occupying a certain position within the productive circuits of capital (Read 2011). This subjective figure is produced in the space between multiple devices of subjection that confront practices of subjectivation in the capitalist mode of production (Foucault 2009; Mezzadra and Neilson 2013: 252). Thus, what the contemporary mode of production brings about is not a passive circumscription of the subject within a subject position (Weeks 2018: 153) but an active subject striving towards their goals while constantly being shaped by the border regime and the associated legal status, as well as social structures of race, gender, youthfulness and nationality. Considered from this perspective, the objective of governing subjects through the border regime appears to be shaping the capacities of the living being: "what the body can do" and under what circumstances, that is, "labour as subjectivity" (Marx 1973; Virno 2004: 83).

18.8 Conclusion

In this chapter, I have demonstrated how those holding a temporary student residence permit in Finland find themselves in an unequal and precarious position vis-à-vis employers and other buyers of labour power. First, the student-migrant-workers are caught within the transformation of work towards insecure work arrangements with no security of continued work for even a short period of time. Second, their precarious position derives from their temporary legal status attached to financial requirements and the need to extend the permit on a yearly basis, thus engendering a legal production of difference. Third, in addition to the legal production of difference the chapter has highlighted how the social production of difference based on race, gender and age shapes the student-migrant-workers into temporary and disposable labour but may simultaneously function as a ground for workers to come together to compete over working hours.

Throughout the chapter, I have highlighted how precarisation takes shape in relation to temporality. The required flexibility constitutes the student-migrant-workers as mobile and constantly available workers. It is not only the imposed flexibility that undermines their subjective control over their use of time but also their legal status that is valid for only one year at a time and that incorporates an upper limit of 25 work hours a week. Hence, legal status becomes a central driver sustaining precarisation as it is within this legal framework that the student-migrant-worker

needs to make sure to gain enough income (if other forms of financial security do not exist) to be able to extend the permit for another year.

The chapter has also brought to the fore how the fact that the research participants were studying in tertiary education and working simultaneously shapes them as working subjects. I pointed to the dynamic of simultaneously working in the low-paid service sector while holding on to the dreams and hopes for the future by grasping opportunities to enhance one's work experience – for example, through unpaid work and internships. The subjective figure of the student-migrant-worker is thus shaped in the field of friction between efforts to shape one's life according to one's desires and the constraining effects of precarisation as a result of a legally insecure migratory status and insecurity over access to work. Thus, the loss of continuity with regard to the spatiality and temporality of work is replaced by the continuity of work in one's mind as one is constantly reminded of different tasks as well as the possible opportunities to be grasped (Vähämäki 2004: 20).

In conclusion, being a temporary working migrant student implies living in constant relation to the border regime: continuously subject to scrutiny by migration officials, always looking for possibilities of escaping the insecure migratory status, while simultaneously being at an ongoing risk of falling out of the student status into undocumentedness. It is these transient figures that the border regime both produces and captures, and which can be inscribed within the temporal and fragmented regimes of capital accumulation. Likewise, it is here the student-migrant-workers' struggles to challenge their positioning within the current social, economic and legal orders arise as well as their battles for retaining the grip over their futures.

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